



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

JANUARY 9, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a scheduled meeting at **7:00 p.m.** on **Wednesday, January 09, 2008** in the Cottonwood Heights City Council Room, 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah

5:45 p.m. Work Session

7:00 p.m. Regular Meeting

1. Public Comment

This agenda item is for public comments on items not on the regular agenda and for informational purposes only. No formal action will be taken during this portion of the meeting.

2. Continued Action Item – Conditional Use - Wasatch Office

This is a continued item from the December 05, 2007 Planning Commission meeting. The Planning Commission will take action on a request by Utah Property Development for a conditional use permit for property located at 7755 S. Wasatch Blvd. The applicant is proposing to build three professional office buildings totaling approximately 42,000 square feet.

3. Public Hearing – Amendment to Title 12.20.060 (j) Flag Lots Permitted – Wentworth Development

The Planning Commission will receive public comment and take action on a request by Wentworth Development to amend the maximum length of a private lane accessing a flag lot from 100 feet to 200 feet within the City.

4. Public Hearing – Conditional Use Permit – Hyeongoo Kim

The Planning Commission will receive public comment and take action on a request by Hyeongoo Kim to convert an existing home to a clinic for health professionals on property located at 1525 East Fort Union Blvd which is located in the Neighborhood Commercial (NC) zone.

5. Discussion Item – Hand out – Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications

6. Approval of Minutes
December 05, 2007

7. Action Item - 2008 meeting calendar

8. Planning Director's Report

9.. Adjournment

On Friday, January 4, 2008 at 11:00 a.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or e-mailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city website at www.cottonwoodheights.utah.gov

Sherry McConkey, Planning Coordinator



Item 1 – Public Comment

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:



Item 3: Cottonwood Cottages Flag Lot Text Amendment

File Name:	Cottonwood Cottages Flag Lot Text Amendment
Application Received:	December 21, 2007
Meeting Date:	January 9, 2008
Public Hearing Date:	January 9, 2008
Request:	Amendment of the Flag Lot Subdivision Ordinance
Owner/Applicant:	Wentworth Development
Agent:	Nate Fotheringham
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any ordinance text amendment application. This report provides preliminary information regarding the requested text amendment. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Subdivision Flag Lot Ordinance (12.20.060), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant has submitted a request for an amendment to the Cottonwood Heights subdivision ordinance regulating the creation and requirements of flag lots. Specifically, the applicant is requesting an amendment to the maximum length of a flag lot stem, or the portion extending from the flag lot to the public street, allowed when a flag lot subdivision is created.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Requested Text Amendment

The applicant has submitted a request to amend the maximum length allowed for a flag lot stem from 100 feet to 200 feet. The Cottonwood Heights subdivision ordinance, section 12.20.060 Flag Lots Permitted, allows a flag lot stem to reach a maximum length of 100 feet. The applicants, in researching and designing a specific property, feel that a length of 200 feet is more appropriate and would better suit the needs of the property. In doing so, the applicants feel the change would help to develop the property to a fuller extent.

Additional Requirements for Requested Change

Staff has researched other city's ordinances and has spoken with the City's fire official with regard to additional requirements that would be necessary if the proposed change were made. In addition to the change to the maximum allowed stem length to 200 feet, a change to the stem width and the requirement of a turn-around area approved by the fire official are changes that would need to be incorporated into the ordinance with this request.

The most significant requirement for emergency service access is with regard to the overall length of the access. Unified Fire Authority (UFA) requires that any emergency access longer than 150 feet have an approved turnaround. The proposal at 200 feet would mandate a fire turnaround on all flag lots stems longer than 150 feet. An approved fire turnaround can take several shapes but is required to be at least 70 feet in width from back of curb to back of curb. A width of at least 20 feet and possibly 25 feet would be required for emergency access for proper maneuverability of fire apparatus. This would require a significantly larger amount of area for the creation of a flag lot that under subsection H of section 12.20.060 would not be counted toward either lot's minimum lot size.

Nature of Flag Lots in Cottonwood Heights

The nature and purpose of a flag lot in Cottonwood Heights is not necessarily designed to be a standard subdivision option. Section 12.20.060 of the subdivision ordinance states that a flag lot may be approved in cases that, due to topographic or sensitive lands concerns, or other requirements of this title a street should not or cannot be extended to buildable areas. Staff feels that this description limits flag lots to lots which are unique in their nature or layout. Because, as the standard of approval states, these lots either should not or cannot have streets extending to buildable areas, the flag lot option should be limited in its applicability and should not be a standard option for subdividing lots.

With the required changes associated with this proposal, staff feels that the nature of a flag lot as a unique lot may be compromised. A landscaped buffer is required for flag lot stems in order to screen and soften the transition between one resident's yard and an adjacent 12 foot private lane. The requirement of a larger lane and a rather large required turnaround may create a layout in which the landscape buffer may not be sufficient to screen the private lane and preserve an appropriate transition between low density residential properties.

Reasoning for Staff Recommendation

The flag lot ordinance adopted by Cottonwood Heights limits the length of a flag lot stem to 100 feet. A change as proposed would require a change to many other sections of the ordinance. Staff does not feel that this change is an appropriate change given what staff feels is the intent of the flag lot ordinance.

There are some concerns with the existing flag lot ordinance and staff is anticipating amendments to the ordinance that would potentially mitigate some of the issues associated with the flag lot requirements. Specifically, the allowable length of the flag lot stem limits the overall size of the original lot if the stem was at maximum length and the lot width was at

minimum width. An example of this is in the R-1-8 zone where the minimum lot size is 8,000 square feet and the minimum lot width is 70 feet. Using the maximum length of 100 feet for a flag lot stem and the minimum lot width, the largest lot possible would be 7,000 square feet. This is a full 1,000 square feet smaller than the minimum lot size required. As mentioned, some changes to the ordinance are anticipated to eliminate this scenario. However, the proposed change to a 200-foot stem length may not be an appropriate change at this time.

Recommendation

Based upon the staff observations, staff is recommending **denial** of a request for a text amendment to section 12.20.060 J changing the maximum length of a flag lot stem from 100 feet to 200 feet.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Subdivisions – Flag Lots Permitted: Chapter 12.20.060
Cottonwood Heights General Plan Land Use Map

Staff Contact:

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Cell: 502-5004
E-mail gsymes@cottonwoodheights.utah.gov

List of Attachments:

1. Applicant's Statement and Exhibits
2. Approved Unified Fire Authority Turnaround Designs
3. Section 12.20.060 Flag Lots Permitted

COTTONWOOD HEIGHTS

Request to change Code of Ordinances

Paragraph "J" of section 12.20.060 ("Flag Lots Permitted") of the Code of Ordinances (**EXHIBIT A**) of Cottonwood Heights currently reads:

The Private lane accessing a flag lot shall include a paved driveway that is at least twelve (12') wide and the landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

We propose amending the highlighted section from one hundred feet (100') in length to two hundred feet (200') in length based on the following:

- I. Surrounding municipalities allow private driveways for flag lots of 150, 220, 500 feet or longer
 - a. Per the attached (**EXHIBIT B**) Sandy City code (Chapter 15-06 section W: "Flag Lots" item #2) "the maximum length (of the private driveway for a flag lot) shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.
 - b. Per the attached (**EXHIBIT C**) Salt Lake County code (Procedures and Standards For the Establishment and Development of Flag Lots (section 5c) private driveways for flag lots less than 150 feet must be no less than 20 feet in width and driveways longer than 150 feet must be no less than 25 feet wide except where a lesser width is authorized by the County traffic engineer and fire official.
 - c. Holladay City allows private driveways (flag lots) without limitation subject to unified authority code. 150 feet or longer subject to approval from the unified fire authority.
 - d. Per the attached (**EXHIBIT D**) Draper City code (Section 9-27-090 section b item number 2) "the maximum length of the staff (distance from a public street to the front property line of the flag lot) shall be five-hundred (500) feet."
- II. Improving the ordinance to 200 feet provides opportunity to develop several parcels within Cottonwood Heights currently burdened with dilapidated structures and it will encourage re-vitalizing areas restricted by the existing 100 foot ordinance.

- a. Attached are site plans of a proposed project within Cottonwood Heights that is not feasible to improve based on the current 100 foot private driveway restriction
- b. Location is 2300 East 6545 South
- c. See attached photos (**EXIBIT E**)
- d. See attached Site plans
 - i. Option "A" with 100 foot private driveway (**EXIBIT F**)
 - 1. Length of driveway prohibits meeting 8,000 square foot minimum for front lots
 - 2. Length of driveway creates a disproportionately large flag lot for one single-family home
 - ii. Option "B" with 150 foot private driveway (**EXIBIT G**)
 - 1. Meets minimum square footage for lots in R-2-8 zone (8,000 sf)
 - 2. Creates proportionate lots suitable for building

Chapter 12.20

DESIGN STANDARDS

Sections:

- 12.20.010** Departmental standards.
- 12.20.020** Design standards generally.
- 12.20.025** Design standards for subdivisions located in the foothills and canyons overlay zone.
- 12.20.030** Blocks.
- 12.20.040** Lots.
- 12.20.050** Protection strips.
- 12.20.060** Flag lots permitted.

12.20.010 Departmental standards.

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the community development department. Standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, provided that such standards shall be approved by the city council.

12.20.020 Design standards generally.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of city government. Design standards shall be approved by the city council and shall include provisions as provided in sections 12.20.030 through 12.20.050.

12.20.025 Design standards for subdivisions located in the foothills and canyons overlay zone.

A. Design shall further purposes and goals of overlay zone. In subdivisions proposed for development in the sensitive lands overlay zone (see chapter 19.72 in title 19, zoning), the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the foothills and canyons overlay zone.

B. Consider/Apply zoning development standards. Applicant shall consider and apply the development standards set forth in chapter 19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (see subsection c of this section) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

C. Designations of buildable areas. All preliminary and final subdivision plats shall outline buildable areas on each lot intended to accommodate planned principal and accessory structures.

D. Clustering of lots. Clustering of lots within a subdivision is strongly encouraged and may be required by the planning commission to meet the requirements of this provision and the overlay zone.

12.20.030 Blocks.

A. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. Such walkways shall be a minimum of ten feet in width, but may be required to be wider where determined

necessary by the planning commission. The subdivider shall surface the full width of the walkway with a concrete or asphalt surface, install a chain-link fence or its equal six feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet.

B. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

12.20.040 Lots.

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

B. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning title.

C. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than 26 feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

D. Side lines or lots shall be approximately at right angles, or radial to the street lines.

E. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

12.20.050 Protection strips.

Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between the street and adjacent property; provided, that an agreement, approved by the city attorney, has been made by the subdivider, contracting to deed to the then owners of the contiguous property, the protection strip for a consideration named in the agreement; such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the city attorney to the planning commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lot shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

H. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

I. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

J. The private lane accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

K. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

U. Street Lighting

1. The developer shall follow the requirements as outlined in the most current edition of Title 13, Chapter 7, Revised Ordinances of Sandy City [R.O.S.C.] (Sandy City Street Lighting Ordinance).
2. The street lights shall be placed as approved by the Public Utilities Director or his/her designee. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the City's specifications and details for municipal construction.

V. Lots

1. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the City Zoning Ordinance, and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.
2. Except for more flexible requirements listed in sub a and sub b below, or as those pertaining to planned unit developments, or as may be otherwise provided in this Code, all lots shall have the required frontage upon a dedicated and improved street.
 - a. Residential building lots that do not have frontage upon a public street shall obtain a conditional use permit prior to plat approval.
 - b. Commercial building lots within a recorded subdivision are exempt from this requirement (they may be developed without direct frontage upon a public street).
3. Where a canal abuts a subdivision the area of the portion of the canal which is located in the lot(s) shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with the Sandy City Land Development Code.
4. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked as per the standard specifications and details for municipal construction.
5. Double frontage, and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
6. Where possible, side lot lines shall be substantially at right angles to street lines.

W. Flag Lots. In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed as a conditional use (a permitted use within the Sensitive Area Overlay District) subject to the following conditions:

1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
2. That staff portion of said lot shall front on and be contiguous to a dedicated public street or private

street. The minimum width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.

3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and street lights).
4. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts.
5. The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
6. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
7. The side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
8. The minimum front setback requirements for all buildings shall be 30 feet, excluding the staff, from the front lot line of the flag portion thereof. Other setbacks shall be those on the underlying zone.
9. No more than two flag lots can be served by one staff portion.
10. All flag lots in the development site shall be approved in the site plan by the Planning Commission.
11. The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision, unless otherwise approved by the Planning Commission.
12. The approved building envelope shall be illustrated upon the final plat.
13. Figure #1, attached hereto and specifically made a part of this Section, is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

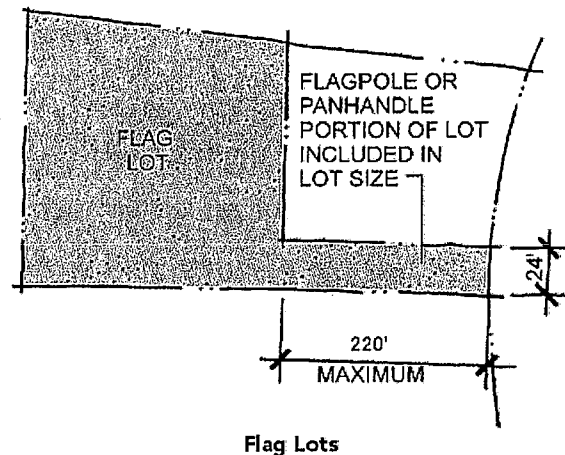


Figure 1: Typical Flag Lot

X. Seismic Areas

1. Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Area Overlay Zone.
2. A subdivision lot shall be designed so that a building can be erected on the lot without encroaching the zone of deformation. No building shall be erected on or within a zone of deformation. Subdivision

Procedures and Standards For the Establishment and Development Of FLAG LOTS

1. Division of a property with frontage on a street so as to create one or more **flag lots** requires subdivision approval in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot** or **lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to **subdivide** an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

- b. For flag lot(s) less than one half acre in size;
 - 1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the flag lot(s) is retained by or conveyed to the owner of those lots, or
 - 2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the base lot(s).
- c. For flag lot(s) one half acre in size or larger;
 - 1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the flag lot(s), whether by ownership or perpetual easement.
- 4. In addition to maintaining compliance with the area and width requirements of the zone in which the base lot(s) are located, normally-applicable yard or setback requirements for the base lot(s) must be maintained, particularly if said lots are already developed or improved. Where access to a flag lot is provided via recordation of a perpetual easement across the base lot, the yard or setback for the base lot shall be measured from the interior edge of the easement closest to any existing or proposed improvements on the base lot.
- 5. Access to a flag lot(s), whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the base lot(s), must be of uniform width from the flag lot to the intersection with the street right-of-way or easement upon which the base lot fronts in accordance with the following:
 - c. On properties where the length of the access connection from the flag lot(s) to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than twenty feet unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.



- d. On properties where the length of the access connection from the flag lot to the street right-of-way or easement is *more than* one hundred and fifty feet, the width of that connection must be no less than *twenty-five feet* unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

6. Improvements to the travel way within the access connection from the flag lot(s) to the street right-of-way or easement shall be in accordance with the following standards:

- f. On properties where the length of the access connection is *less than* one hundred and fifty feet, the improved surface of the travel way must be;

1. At least twelve feet in width its entire length unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
2. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the flag lot(s).
3. Incompliance with county standards at its intersection with the street right-of-way or easement.

- b. On properties where the length of the access connection is *more than* one hundred and fifty feet, the improved surface of the travel way must be;

1. At least **eighteen feet** in width its entire length so as to allow the passage of vehicles in opposite directions unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a "vehicle turnaround" on the flag lot(s) to the satisfaction of County Fire officials; and
3. No closer than;
 - a. Five feet to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. Four feet to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the flag lot(s) to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a flag lot shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a main dwelling, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of twenty feet shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of twenty-five feet shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of thirty feet shall be maintained from all property lines of the "flag" portion of the lot.
9. The yard or "setback" requirements for a detached accessory structure on a flag lot shall be as follows:
- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure must be to the rear of and at least 6 feet from the main dwelling on the flag lot, and must maintain the following separation from adjacent property lines;
- ① Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;
 - ② One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.
 - ③ Twenty feet adjacent to any street.
- b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;
1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.
 2. Twenty feet adjacent to any street;
 3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;
 4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

(6) Engineer Responsibility. The design engineer must indicate his responsibility for strength parameters and his acceptance of the site for use of the retaining wall. If a separate geotechnical report was prepared and used by the design engineer, the geotechnical report needs to be submitted with the design, but the report needs to substantiate the values used for the analysis as indicated in 9-27-

085(e)(2) above. The design engineer will be required to make those inspections that are needed for his approval. The engineer shall submit with the design an inspection frequency schedule.

(f) Preconstruction Meeting. Prior to construction of any approved retaining wall, a preconstruction meeting may be required as directed by the Building Official or City Engineer with building permit approval. The meeting should include the reviewing engineer with Draper City, a member of the Building or Planning Department, the design engineer, the owner, and the Quality Control firm. This meeting should be conducted at least 48 hours prior to construction.

(g) Inspections. A letter from the designing engineer stating that the retaining wall has been built according to the submitted design, along with a report verifying that the designing engineer or his representative made inspections of the wall in accordance with the inspection frequency schedule as submitted in compliance with Section (e)(6) while it was under construction.

(h) Maintenance. All retaining walls must be maintained in a structurally safe and sound condition and in good repair.

Section 9-27-090 Flag Lots.

Flag lots for single family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other titles adopted by the City. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed.

(a) Factors. When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

(1) More than two (2) flag lots with contiguous staffs should be avoided;

(2) Whether development of the property in question under normal City zoning and subdivision regulations is reasonable and practical; and

(3) Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

(b) Development Standards. When flag lots are permitted, they shall be subject to the following conditions.

(1) A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.

(2) The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty (20) feet. However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of the staff shall be five-hundred (500) feet. The maximum grade of the staff shall not exceed twelve percent (12%) in the direction of intended traffic flow on the staff. The staff portion of the lot should generally follow property contours.

(3) The size of the flag portion of the lot shall conform to the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand (15,000) square feet. Sufficient turnaround space for emergency vehicles shall be provided.

(4) No building or structure shall be located within the staff portion of a flag lot.

(5) The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Regardless of the zone, the minimum front yard setback shall be twenty-five (25) feet and all other setbacks for main buildings shall be a minimum of twenty (20) feet.

(6) Screen fencing may be required to be erected around the staff and/or flag portions of the lot.

(7) The main building shall be located no more than two-hundred-fifty (250) feet from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the flag lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant. The Fire Chief shall review proposed flag lots to insure adequate space and site configuration for turn-around of emergency vehicles.

(8) All driveways located in the staff portion of the lot shall be paved within one-hundred (100) feet of any pre-existing house on a neighboring parcel.

(9) Upon review the City may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.

(10) Clear address signage must be installed and maintained at the

street, including notice that the driveway is a private right-of-way.

Section 9-27-100 Frontage Improvements.

Planned street improvements as shown on the City's Master Traffic and Transportation Plan, including swales, curb, gutter, sidewalk, paved street, turn-about space, and fire hydrants shall be installed on all public street frontages as shown on such plan and in conformance with City construction standards as condition of issuing a building permit for new development or remodeling of a structure that exceeds fifty percent (50%) of the structure's value, when such improvements do not exist or are not financed for construction.

(a) Use Changes. Use changes from lesser to greater intensity shall require the installation of frontage improvements consistent with the intended use as reasonably determined by the Planning Commission.

(b) Extent of Improvements. When the size of a lot or parcel exceeds minimum zone requirements, the Planning Commission may determine the extent of the required improvements if the frontage adjoining a public street is, in its judgment, excessive based on cost calculations reviewed by the City Engineer. However, frontage improvements shall be provided for no less than the minimum lot width required by the zone in which the lot or parcel is located.

(c) Dedication and Construction of Improvements. When widening of a public street is planned, as shown on the City's Master Traffic and Transportation Plan, street right-of-way and frontage improvements associated with proposed development shall be dedicated to the public and improved without cost to the City to the extent the development creates a demand for such improvements as determined by the Planning Commission after receiving a recommendation from the City Engineer.

(d) Appeals. If a street dedication and improvement requirement is alleged to not be proportional to the demand created by new development, such requirement may be appealed pursuant to Section 2-4-060, Draper City Code.

Section 9-27-110 Frontage Improvements - Methods of Providing.

In lieu of requiring full frontage or right-of-way improvements, including without limitation, curb and gutter, parking strips and associated landscaping, sidewalk, paved street and fire hydrant improvements, the City may authorize a developer to satisfy street frontage improvement obligations in one of the following ways:

(a) Install Improvements. Install a fair-share of improvements, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation applied to one or more of the full frontage improvements that extend beyond the developer's property to complete a tie-in or to a logical terminus.

(b) Form Special Improvement District. Form a special improvement district to complete the developer's fair-share of improvements and additional improvements to benefit the neighborhood.

(c) Pay Assessment. Place funds in an escrow account equal to the estimated cost, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation for frontage improvements. Such funds shall go to the installation of street and frontage improvements in projects determined by the City according to its discretion of priority. Placement of the funds into an escrow account shall not be construed to imply or guarantee to the developer a specific time when improvements will be installed on the frontage or right-of-way with funds from a City-sponsored improvement project. However, such escrow shall exempt the developer from participating in a special improvement district formed by the City for the same improvements. Any interest which may accrue on escrowed funds shall be available to the City for use in the improvement project.

(d) Delay Installation. Sign and record an agreement, binding the developer to install required improvements at a later date upon demand by the City, subject to all of the following requirements:

- (1) The development of the property is for one single-family dwelling only;
- (2) The property is a single, legal conforming parcel as defined in this Title or Title 17;
- (3) The parcel has frontage on a public street;
- (4) No street improvements exist on the same side of the public street contiguous to the parcel in either direction; and
- (5) The parcel is not within a recorded subdivision.

Section 9-27-120 Height Limitations and Exceptions.

(a) Method of Measurement. Except as provided elsewhere in this Title, height shall be measured as follows:

- (1) Fences, walls, and hedges shall be measured from the average finished grade of the fence, wall, or hedge line.
- (2) Where there is a difference in the grade of the properties on either side of a fence or wall located on the boundary line of a lot or parcel, the height of a fence or wall shall be measured from the lowest grade of the adjoining properties except that in any instance a four (4) foot high fence shall be allowed.

EXHIBIT E



EXHIBIT E



EXHIBIT F

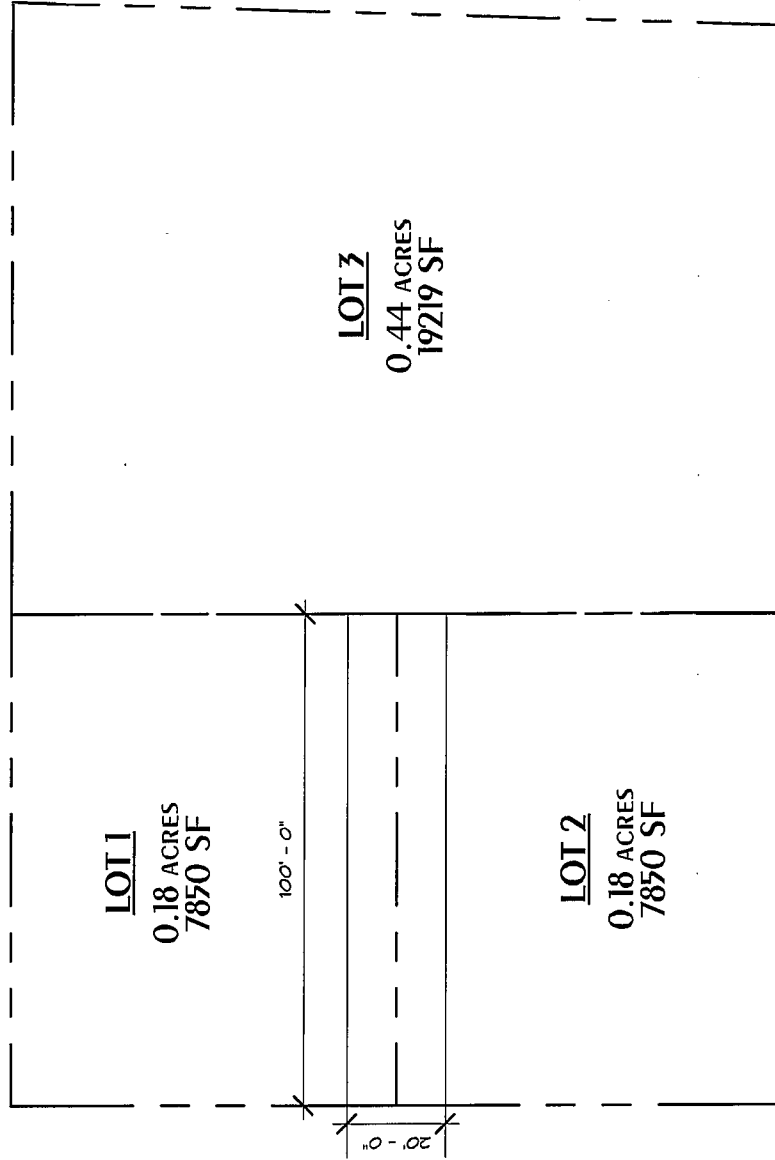
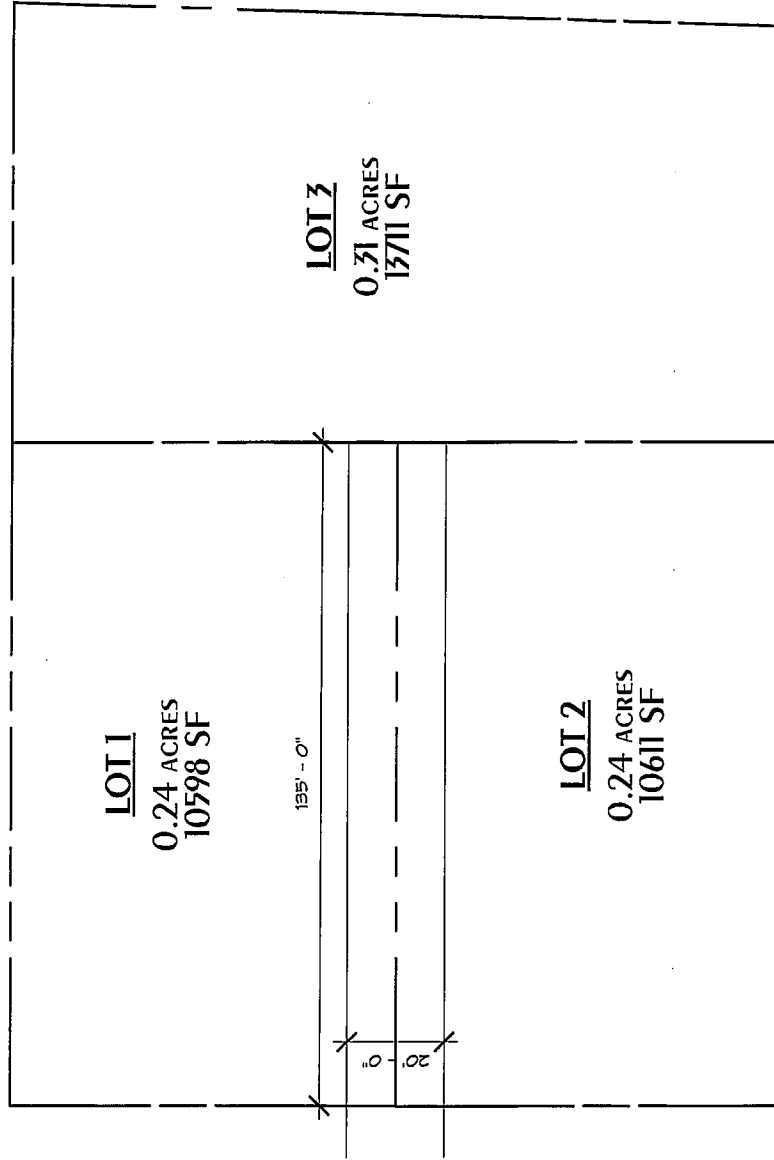


EXHIBIT G



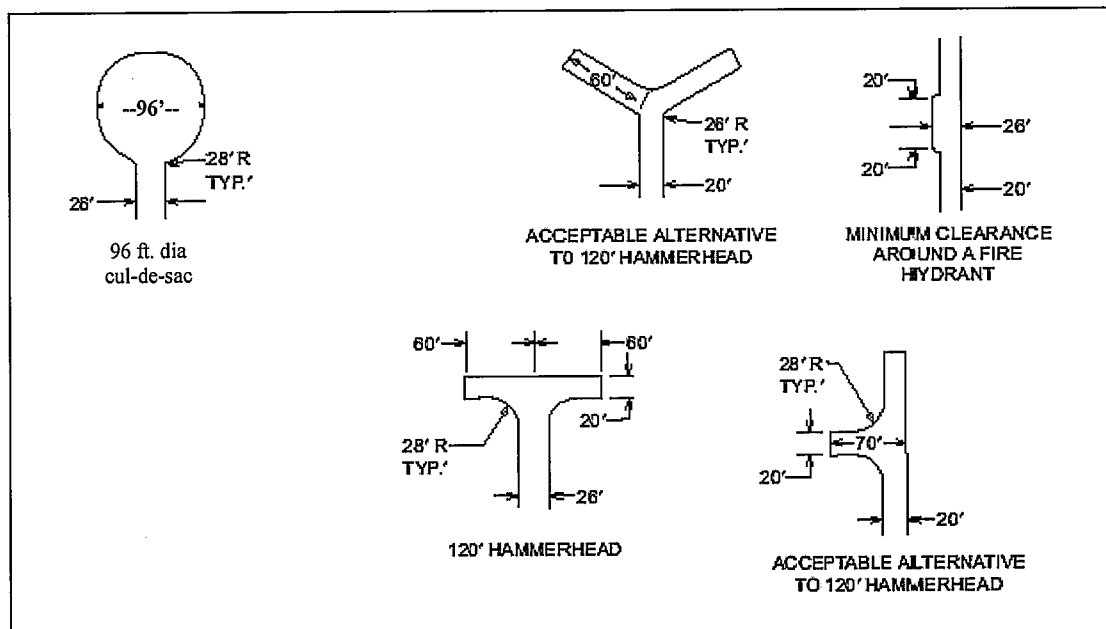
IFC D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Requirements for Dead-End Access Ways
Table D103.4

Length	Width	Grade	Turnaround Requirements
0 – 150 ft.	20 ft.	10% max.	None Required
151 – 500 ft.	20 ft.	10% max.	120 ft. Hammerhead, "Y" or 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
501 – 750 Ft.	26 ft.	10% max.	120 ft. Hammerhead 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
Over 750 ft.	Special Approval Required		

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official. See 503.2.4

IFC 503.2.4 Turning Radius. Unless the statutes of the jurisdiction vary the required turning radius of a fire apparatus access road shall be determined by the fire code official. Within the Unified Fire Authority jurisdiction the illustrations below will be used.



12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lot shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

H. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

I. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

J. The private lane accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet 100' in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

K. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.



Item 4: Kim's Acupuncture – Request for Conditional Use Permit

See attachments

Staff Contact:

Glenn Symes Associate Planner

Telephone: 545-4167

Mobile: 502-5004

Fax: 545-4150

E-mail gsymes@cottonwoodheights.utah.gov

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 801-545-4154
Fax 801-545-4150

Memorandum

To: Planning Commission

From: Glenn Symes, Associate Planner

Date: January 4, 2007

Subject: Kim's Acupuncture

An application for a conditional use permit for the operation of a clinic for health professionals at 1525 East Fort Union Boulevard is scheduled for public hearing on January 9, 2008. The application requires a certificate of design compliance from the City's architectural review commission prior to final approval. An initial meeting with the ARC has been held and a second is required due to changes made to the site plan. The ARC meeting to review the changes has been scheduled for January 10, 2007. This requires the agenda item scheduled for the planning commission to be continued until such time as the ARC may issue the required certificate of design compliance.

Overview of the Application:

The applicant is requesting a conditional use permit for the conversion of an existing home to a small office. The property is in the Neighborhood Commercial (NC) zone and is also within the Gateway Overlay Zone (GOZ). The property was rezoned earlier in 2007 from R-1-8 to NC and must go through the conditional use permit process to convert the home to a commercial use. The property has limited space in front and a significant slope leading to the area behind the existing home. In order to accommodate the necessary ADA parking requirements and access requirements, parking is proposed in front of the building. However, other ordinances such as landscape requirements and off-street parking requirements limit the number of stalls that could be placed in front of the building. Plans will be presented to the ARC and planning commission at the time of the meeting to illustrate the required layout of the property. There are no planned architectural changes proposed for the building itself.

Review:

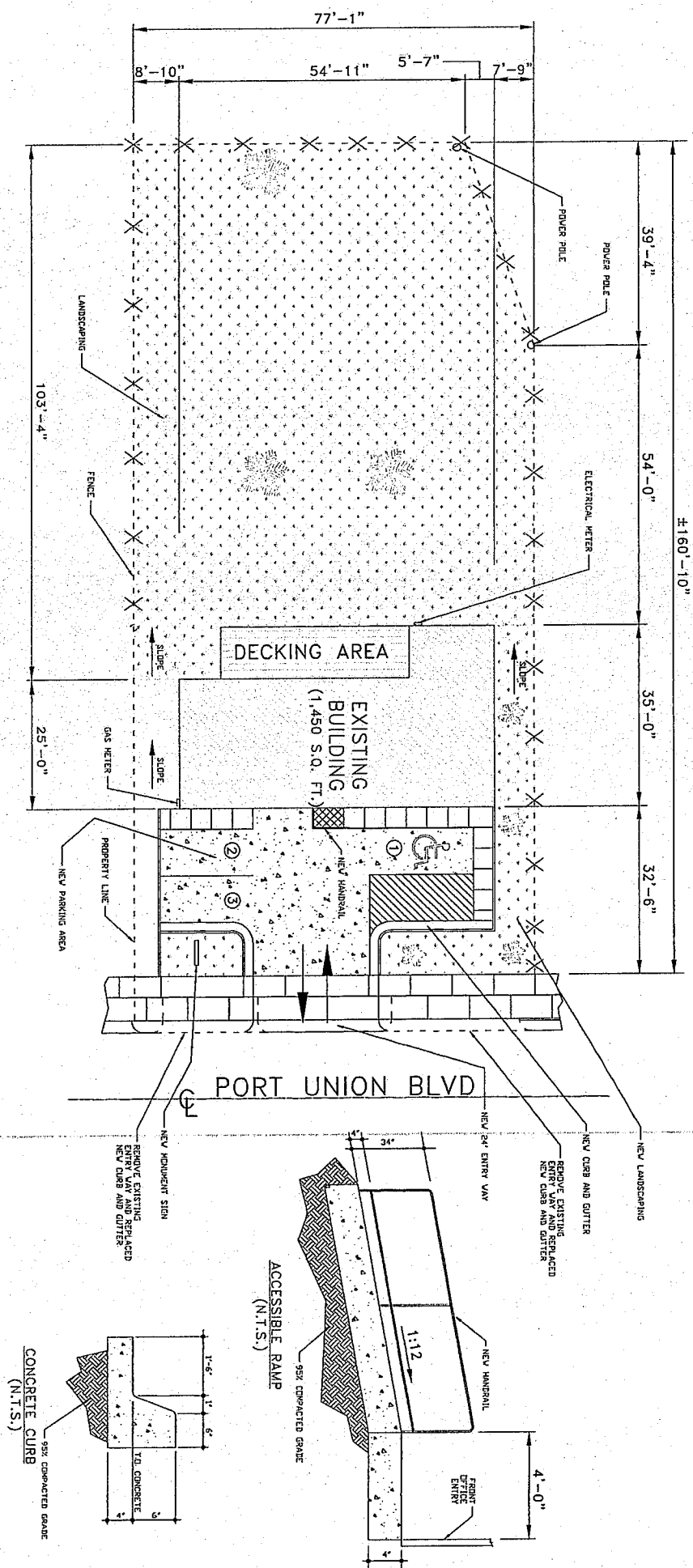
Since this property is located within the GOZ, the ARC must review the proposal. In this case, much of the review will be to determine whether the applicant has met minimum

standards for the conversion of a residence to a commercial office. As there are no planned changes to the structure, aesthetic concerns are limited. The ARC will make a recommendation to the planning commission with regard to the site plan as it relates to the GOZ. The planning commission must also review the conditional use application and issue a preliminary approval for the conditional use permit. City staff will then be able to work with the applicant to address any outstanding concerns or requirements and work toward issuing a final approval.

Staff Observations and Position on the Request

Staff feels that this application and the proposed layout has met all of the necessary requirements for the conditional use permit, all of the requirements of the NC zone and all of the requirements of the off-street parking ordinance. Staff would like to request the planning commission consider delegating the preliminary approval of the conditional use permit request to the City's planning director subject to the determination of the City's architectural review commission.

Attachments: Proposed Site Plan
Map of Subject Property

[illegible]

NOTE:
TOTAL PARKING STALLS: 3 PARKING STALLS

Vanco Construction

Salt Lake City, Utah
KIM'S ACUPUNCTURE OFFICE @ COTTONWOOD, UTAH
ARCUPUNCTURE OFFICE PARKING SPACE
PLOT PLAN

DWG. NO. VANNC0-000

A



Notice of Public Hearing January 9, 2008

Kim's Acupuncture
Request for CUP
1525 E. Fort Union Blvd
NC Zone

Legend

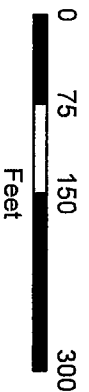


Zoning

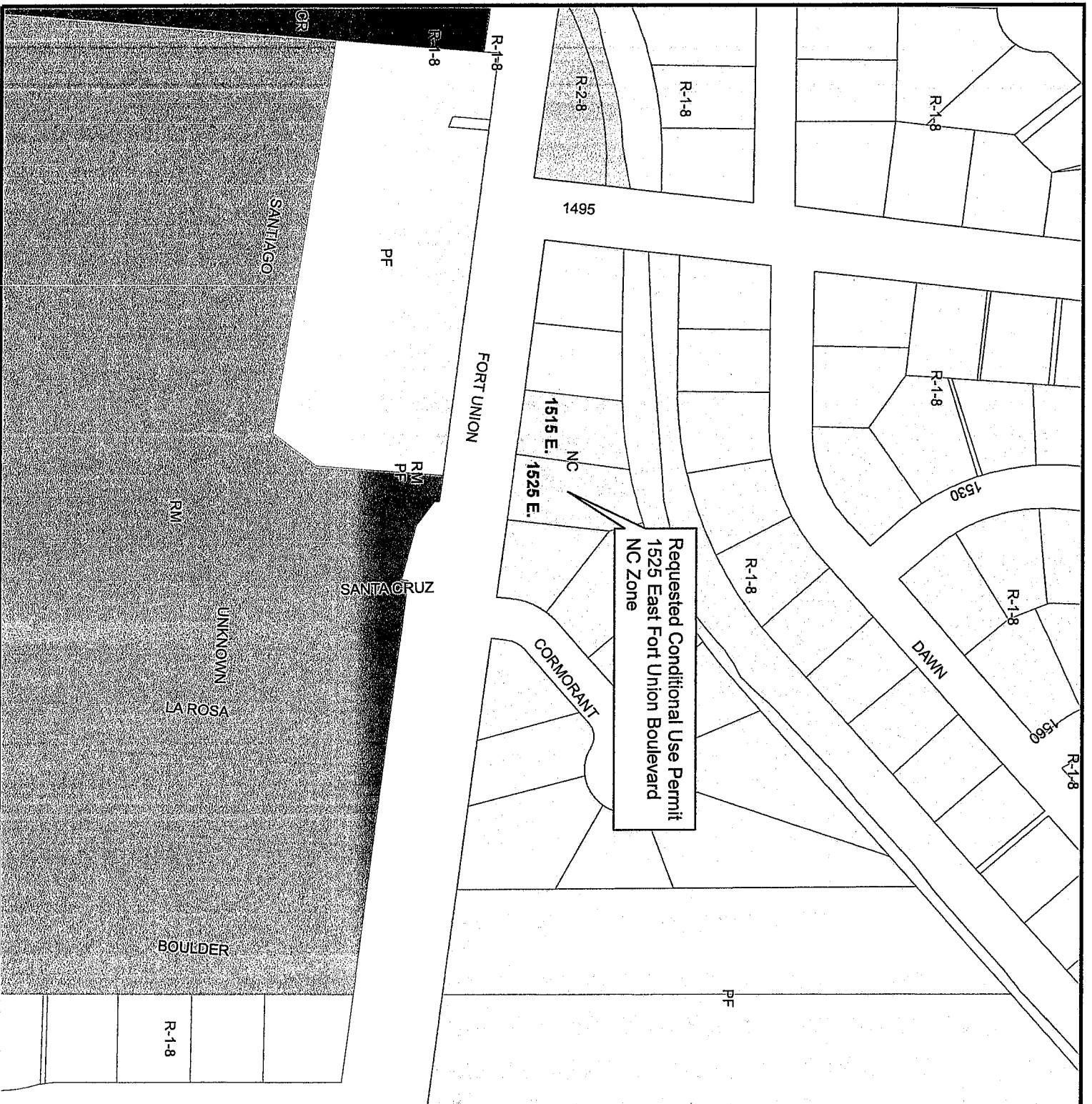
RO	R-1-6
CR	R-1-8
NC	R-1-10
ORD	R-1-15
PF	R-2-8
RM	F-1-21
RR-1-21	F-1-43
RR-1-29	F20
RR-1-43	



Published:
January 4, 2008



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Fax 801-545-4150

Memorandum

To: Cottonwood Heights Planning Commission

From: Michael Black, City Planning Director

Date: January 3, 2008

Subject: Update on Attached Information and Recommendation on Wasatch Office
Conditional Use

The attached information is basically the same as the information that you have received in the past. There are more public comments in the citizen comment section (Attachment 15) that you have not reviewed before. I have also attached the minutes from previous meetings so that you can review what had happened in previous meetings.

When you are reviewing the most recent public comment, it is important to remember that citizen comment was only open for submittals on two matters: 1.) the latest geology report completed by the developer; and, 2.) the latest traffic count completed by the City. I bring this up only because the comments we have received are riddled with all different kinds of information, most of which is not related to the true purpose of the latest citizen comment period. I suggest that when you read the comments, you keep in my mind what the purpose of the comment period was. I only submit all of the information because it would be too cumbersome for staff to edit the public comments so that you were only reading what was supposed to be submitted.

The staff report is largely the same as it was in previous planning commission packets; however, please pay close attention to the recommendation and recommended conditions for the project. There have been some modifications of proposed conditions and some additions as well.

The packet is organized in the following parts for your convenience in reading:

A. Staff report

B. Attachments/ supporting documentation

1. Site plans (4 pages)
2. Landscaping plans (3 pages)
3. Lighting plans (2 pages)
4. Architecture plans (7 pages)
5. UDOT conditional approval
6. City Geologist recommended conditions
7. City Geologist letter addressing zone of deformation comments
8. Timeline of development
9. Staff report regarding history of project with the County
10. Memo regarding open house results
11. Memo regarding history of zone change with the County
12. Citizen comment packet A: citizen comments from. October 3, 2007 to October 9, 2007
13. Response to citizen comment by City Planning Department and City Attorney.
14. Citizen comment packet B: citizen comments from October 17, 2007 to October 31, 2007.
15. Citizen comment packet C: citizen comments from December 5. 2007 to January 4, 2008.
16. Planning Commission Minutes:
 - A. October 3, 2007
 - B. October 17, 2007
 - C. November 14, 2007
 - D. December 5, 2007 (Draft)

You will notice in the packet that staff does not include a separate memo addressing the latest citizen comment. Citizen comments are addressed in Attachment 13, and for the most part that memo addresses most of the citizen comment. There are other comments, like, for instance, one group claims that the bulldozers used to grade the site will set off an earthquake, which will be addressed in the meeting. I think you will find that most of the comments; however, relate to misinformation about matters ranging from zone changes at the County to the value placed upon individual property rights. For your information, every one of these emails was responded to by our Mayor and/or our District 4 representative Bruce Jones as they were included as recipients on each and every email.

Staff will prepare an in depth presentation to be shown at the planning commission meeting on the 9th of January. In that meeting, we will present the information and address any new citizen comment with the latest geology report and traffic study. We feel as though we can address the issues quite easily and clearly in the meeting and at the same time provide an overall picture of the development as well as propose conditions and make a recommendation.

It is of the utmost importance that the planning commission be made aware that the developer has evoked his right under UTAH STATE CODE § 10-9a-509.5.(2)(b) to require the

City, "[after] a reasonable period of time to allow the land use authority to consider an application, [...] [to] take final action within 45 days from date of service of the written request." The written request from the developer was received on December 6, 2007. You can find a copy of the letter from the developer attached to this memo.

Staff has reviewed this application many times. Staff feels as if the City has been diligent in processing the requested conditional use application; however, it should be known that this application did entail some details that are not always apparent on developments of this type, thus adding to the reasonable time it takes to review an application. At the end of this process, I can say that the City, under UTAH STATE CODE § 10-9a-507(2)(a), has "proposed reasonable conditions, [...] to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Staff also feels, in accordance with UTAH STATE CODE § 10-9a-507(2)(b), that the "reasonably anticipated detrimental effects of [the] proposed conditional use [can] be substantially mitigated by the proposal or the imposition of [the proposed] reasonable conditions to achieve compliance with applicable standards."

Subsequent to the findings listed in the above paragraph, staff feels that the conditional use, in accordance with UTAH STATE CODE § 10-9a-507(2)(a), should be approved by the land use authority with the conditions listed in the staff report attached to this memorandum.

If anyone has any questions about this development and you just want to get to the bottom of the issue right away, please feel free to call me and will be happy to give you any information I have or have access to.

Attachments: Hutchins, Baird, Curtis and Astill PLLC letter; and, 1/9/2008 Wasatch Office Staff Report Packet.

HUTCHINGS BAIRD CURTIS & ASTILL PLLC

ATTORNEYS AND COUNSELORS

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SANDY, UTAH 84070

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6 December 2007

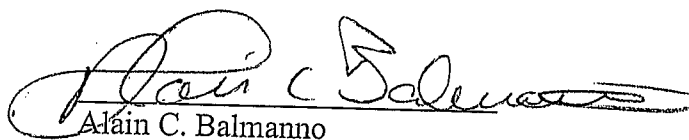
Cottonwood Heights Planning Commission,
ATTN: Michael Black, Planning Director,
1265 East Fort Union Blvd,
Suite 250
Cottonwood Heights, UT 84047

RE: Request for Decision, Wasatch Office Project, Blaine Walker, Applicant.

Pursuant to Utah Code Ann. § 10-9a-509.5.(2), more than a reasonable period of time having passed since a complete application on the above referred project was filed with the City, the Applicant now requests that the City take final action on the application, no later than 45 days from the date of service of this letter.

The completed application having been the subject of over two years of work, study and public hearings, the Applicant requests a decision be taken without delay. However, pursuant to Utah law, the City must make a decision, in any event, within 45 days.

HUTCHINGS BAIRD CURTIS & ASTILL PLLC



Alain C. Balmanno
Counsel for applicant

CC: Greg Curtis;
Clients



Revised

Agenda Item 2 – Conditional Use Staff Report – September 19, 2007 – Wasatch Office

File Name:	Wasatch Office Project
Application Received:	July, 2005
Meeting Date:	January 9, 2008
Public Hearing Date:	September 19, 2007
Parcel Number:	2225376005 and 2225376013
Location:	7755 South Wasatch Blvd.
Development Area:	223,028 square feet
Request:	Conditional Use Permit
Owner/Applicant:	Blaine Walker
Agent:	Bill Bang
Staff:	Michael Black, City Planning Director

Purpose of Staff Report

The conditional use ordinance adopted by the city of Cottonwood Heights (the “City”) requires City staff to prepare a written report of findings concerning any conditional use application. This report provides information considered to be preliminary regarding the development of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the RM zoning ordinance (chapter 19.34), gateway overlay zone (19.49), sensitive lands ordinance (19.72), geological hazards area ordinance (19.75), off-street parking ordinance (19.80), signs ordinance (19.82) and the conditional use ordinance (chapter 19.84).

Pertinent Issues Regarding this Development Application

Applicant’s Request

The applicant is requesting a conditional use permit for the development of three office buildings totaling 42,000 square feet.

Neighborhood/Public Position on the Request

Staff has received numerous inquiries regarding the proposed development referenced here. In fact, there has been a group following the details of this application since it was submitted in 2005, shortly after the City’s incorporation.

In an attempt to keep the public informed of the issues regarding the proposed development, the City has done the following:

1. October 2005 - hosted an open house where the public was invited to review the proposed plans for an office development.
2. January 24, 2007 – the City Council hosted a question and answer session in which staff, including the engineer, geologist and UDOT were present to make comments and answer questions.

3. September 11, 2007 – the City Council hosted another question and answer session in which the same staff members (minus UDOT) were available for questions and answers. This meeting was held in an effort to inform the public that the project was moving forward and to give the public a chance to address their issues with the City Council and Mayor.

In addition, staff has been in constant contact with the key person leading the opposition to the proposed development. In fact, I have met with this person on numerous occasions in which the file was available for the person to review at the City Offices. As a result, this person drafted a list of conditions that he would like to see imposed upon the owners of the property and the development of the property.

In retrospect, I do not believe that the City could have been more accommodating to the public in this situation. In every case that a meeting was held, the City provided 100s of notices to the public and in two cases, the City noticed the residents via US Mail in which the radius reached 1200 feet from the subject property.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application. Staff has reviewed the application in many parts which are outlined below:

1. Review of geological issues with the site – staff took the stance that the developer had the obligation first to prove that the property was developable before we could move forward with any other reviews. Subsequent to that stance, the developer was able to provide the City with a series of reports – all reviewed by our City geologist – that show there were three distinctly buildable areas outside of the fault line setbacks. The City geologist is recommending approval of the development with conditions.
2. Review of site characteristics, including but not limited to: storm drainage, erosion control, parking, and so on.
3. Review of traffic analysis and request for access to UDOT controlled Wasatch Blvd.
4. Review of architecture, landscaping, building siting and other aspects related to the Gateway Overlay Zone.

At this point staff has narrowed the list of issues to those that can be adequately addressed by the list of conditions contained in this report. We feel that indeed we have moved to the point where we can impose or propose “reasonable conditions” to address “to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards” as per 10-9a-507(2)(a) of the UTAH STATE CODE.

Site Layout

The site is laid out in two parcels. Both parcels front on Wasatch Blvd. and together equal a gross square footage of 5.18 acres. Of that acreage, 65% is unusable due to excessive slopes or ultimately due to section 19.72.040(D) Maximum Impervious Surface, which states that the development shall not exceed a maximum impervious surface calculation of more than 35%.

The site is bordered on the west by Wasatch Blvd, on the east by Prospector Drive and Prospector Circle. To the south, the property abuts the Honeywood Cove PUD. In all there are five residential

properties that abut the proposed project. The rest of the frontage is on public streets (Wasatch and Prospector).

Please take the opportunity prior to the meeting to visit the site as it is one of the more unique properties in the City. If you cannot visit the site, I will provide pictures at the meeting for your review.

Landscaping and Screening / Fencing

The landscaping for the project was reviewed by the City's landscape architect Ashley Simmons. She reviewed the original plan and made suggestions and requirements that are included in her letter attached to this document.

The proposed landscape plan meets the requirements of the City's RM zone, the Gateway zone and the Sensitive Lands zone. The architecture review commission has met to review and discuss the landscaping and agrees with the above statement.

Landscaping in this plan, as seen in the attached plans labeled L3.10, L3.11 and L3.90, is accomplished via the utilization of existing vegetation on site and through the addition of new trees, shrubs, perennials, annuals, grass and other seed mixes as well as other decorative elements such as stacked rock walls and split rail cedar fencing.

Fencing for the development is limited to the western edge of the development adjacent to Wasatch Blvd. and should continue along the properties boundary line adjacent to any public streets or public property. Stacked rock walls will be limited to areas where small retaining walls are required within the landscaped space, but are not structural as other engineered walls in the development will be. Along Wasatch Blvd. berming will take place, pursuant to section 19.80.080(A) which requires at least ten feet of landscaping between public streets and parking areas. In the case of the proposed development, the landscaped strip is at least 20 feet.

The developer has been diligent in preserving any trees that currently exist and will not be located in buildable areas. Trees to be saved are stands of scrub and gambel oak on site located at the northern half of the project.

New landscaping will be located along public streets with trees being organized in clusters of no less than three per. In most cases, clustered trees equal a half dozen in a location. All buildings will be treated so that all mechanical equipment is not only shielded from view by landscaping, but also by covers which will match the architecture of the buildings. In one comment received from a resident of the City, he stated that he "wouldn't mind the proposed project if when driving up Prospector you would have to look through groves of trees to see the buildings." I believe the landscape plans show that this is the case.

The buildings and front entry way will be covered with perennial gardens, shrubs and annuals. Trees will be used at the entry so long as clear view distances are not violated.

Architecture

Architecture for the building has been proposed and is approved by the architecture review commission. The materials are shown on the renderings attached to this document. Rocks, rough hewn timbers and sloped shingled roofs are being used in the development to address section 19.72.050(K)(a) and (b) which states that architecture will be compatible with the surrounding through materials and design.

No mechanical equipment will be placed on the roofs of the buildings and all other mechanical equipment shall be inside the building or enclosed and shielded by landscaping. Per architecture review commission recommendation, no mechanical units will be placed in the front – or west side – of the buildings.

Lighting

Lighting in this development, as with others adjacent to residential properties will be important. Staff is recommending that the development be required to observe a strict cut-off time for all lights that are not related to public safety or security. The recommended time is 10:00 PM year round. The developer has submitted a lighting photometric which shows light levels throughout the development. Staff recommends that the lighting plan be adopted. In addition, as per the standards of the gateway overlay zone, the developer is required to install City standard gateway lights in the UDOT right of way at an interval of 200 feet.

Parking

The developer is showing the minimum amount of parking on the property if the use were split 70% for medical, dental/optical at a parking generation rate of 3.5 parking spaces per 1000 square feet of gross floor area and 30% in favor of professional offices at a parking generation rate of 2.8 spaces per 1000 square feet of gross floor area. In addition, the developer meets the more strict requirement of 3.5 stalls per 1000 square feet; however, it more likely that the development will split as described above which is why I believe the 70%/30% split is more accurate a requirement to base parking off of.

Section 19.80.050(A) of the Off Street Parking Requirements states that *“assessed parking shall be based upon net square footage of the building or use.”*

In addition, section 19.80.050(C) state that *“[w]hen a development contains multiple uses, more than one parking requirement may be applied.”*

Using an average usable space of 80% of the building, the net square footage of the office space in the development would be 33,600. Section 19.80.120 state that *“[t]he city adopts the ITE manual of parking generation rates. The city requirement shall be the average rate of parking for the most intense parking period listed in the most current edition of such publication for each land use.”* If the commission were to adopt the recommendation of using more than one parking requirement, 70% of the parking requirement would be measured at 3.53 parking stalls per 1000 square feet of net office space, or 83 parking spaces for medical/dental uses. 30% of the parking requirement would then be measured at 2.84 parking stalls per 100 square feet of net office space, or 29 parking spaces for general office suburban use. The total between the two would then be 112 parking spaces.

If the commission was not willing to accept the 70% - 30% split, then the requirement would be that 100% of the 33,600 square feet of office space would be required to park at a rate of 3.53 spaces per 1000 square feet of net floor area as this would be the most stringent parking requirement. The actual number of spaces would be 119 parking spaces. Either way, the developer meets the required parking with his proposed stalls being at 122 currently.

Traffic and Traffic Access

UDOT has reviewed the proposed access and has conducted studies to confirm that an access point is appropriate at this point in Wasatch Blvd. Subsequent to their review and research, UDOT has issued a conditional letter of approval for access to Wasatch Blvd. with a new striping plan for Wasatch

which adds a bike lane on the east side of the project, a left turn lane and an acceleration/deceleration lane on the east side of the road. The access to Wasatch is a full access with no turn restrictions.

Signage

A complete signage plan has been attached and shows three levels of signage. First, is the monument signage on the street which identifies the development, but not the individual tenants of the buildings. Next, the directional sign which will direct people to different buildings once they are in the development. And last, the building or tenant signs which will be located on the ground and will confirm that the tenant they are looking for is in building. The ARC has reviewed and approved the signage plan in its consistency with the gateway overlay zone.

Zoning

The zoning for the subject property is RM. Section 19.34.030(11) states that “[o]ffices, ~~professions~~ *professional and general business*” are conditional uses in the RM zone. In addition to the use being conditional under the RM zone, the proposed development has met the requirements of section 19.34.040 – 19.34.100 with the proposed plans, with the exception of 19.34.070 Maximum Height of Structure where it states that properties in the sensitive lands zone shall have a maximum building height of ~~35~~ 30 feet. The RM/zc zone which was recorded against the property by the County before the incorporation clearly states that condition 2. of the entitlement is that “*height of buildings limited to two stories and 35 feet from the lowest original grade to the mid point of the roof.*” In addition to this condition recorded with the property, the County also stated that the following conditions were to apply:

1. All uses are subject to conditional use approval and limited to:
 - a. Office, business and/or professional
 - b. Medical, optical and dental laboratories
 - c. Public and quasi public uses
2. [covered above]
3. Total building square footage limited to 50,000 gross square feet.

Sensitive Lands Zone

The City engineer and the City geologist ~~has~~have reviewed the proposed development and ensure that all sections of the ordinance have been met. To that end, both parties will be providing a letter to be added to the staff report ensuring that this is true. Both parties will also be available at the meeting for questions.

The two properties containing the proposed development are riddled with fault lines. In fact, the fault lines are pervasive and limit the location of any building for occupancy on this property. For that reason, the buildings are located where they are on the plans. After many different exchanges of information between our engineer and the developer's we have been able to establish the safe zones for building on this property. The site plans will show the fault lines and the setbacks from those faults and that

Gateway Overlay Zone

The proposed development is located at 7755 Wasatch Drive and 7722 Prospector Drive. Despite the address of one of the two properties being Prospector Drive, both properties front on Wasatch Drive and there is not approved or proposed access to Prospector Drive.

Being that the property front on Wasatch Blvd., they are both located in the Gateway Overlay Zone. As such, the provisions of that zone and the accompanying standards

ARC Review and Recommendation

The architecture review commission has reviewed this development three times and in the latest meeting has given their recommendation of approval and certification of design compliance with the gateway overlay zone. The conditions which the ARC would like to see added to the conditional use are:

1. Before a permit is issued for grading the development, the developer is required to meet with staff on site to demonstrate that all trees slated for protection on the final plans are clearly marked to be saved to prevent over cutting of existing trees during grading.
2. If any trees are removed which have been slated for protection per the final approved plans, the developer will replace the trees with vegetation as close to the size, type, quality and quantity as those removed.
3. Vegetation, including trees shall be increased in front of building 2 and the highest point of the landscaped berm between Wasatch Blvd. and the development shall be in front of building 2 to provide screening of the building from the street.
4. The developer and his architect shall work with staff to design an adequate bus shelter to be used at the site and those construction plans for the bus shelter shall be given to the City for possible use in other areas.
5. All roof lines on the proposed structures shall match in reference to roof pitches.
6. The rock pillars on the west face of building two shall be moved inward to prevent awkward shadow lines – ARC recommendation.
7. One four inch caliper tree will be required to replace the boxelder tree being removed due to building two's location.

These conditions are found in the list of conditions below.

Recommendation

Based upon the information above and the fact that the architecture review commission is requiring on final meeting before issuing their recommendation to the planning commission, staff is recommending that the planning commission review the information and take comment at the October 3, 2007 meeting and approve the conditional use with the following conditions:

Proposed Conditions for the applicant's request for conditional use:

Planning:

1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.
2. Interior lighting shall shut off at 10:00 PM except for those fixtures required for safety and security purposes and that the maximum height of parking lights be no more than 18 feet (19.80.030(D)).
3. The parking ratio shall be split between two uses with 70% of the requirement being 3.53 spaces per 1000 net square feet of floor space for medical/dental offices and 30% being required at 2.84 per 1000 net square feet for professional office for a total of 112 parking spaces (19.80.050(A) and (C)).
4. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)).
5. The development shall designate snow stacking areas on the site plan (19.80.080(H)).
6. All pedestrian walkways shall be lighted (19.80.090(3)).
7. All lights in the development shall be full-cut off (19.80.090(4)).

8. Developer shall provide stamped and colored walkways inside the development for pedestrians.
9. Split rail fence should be added along all perimeters abutted by public property.
10. No less than one dozen assorted trees shall be added to the northern end for the property for screening purposes.
11. No new tree in the development shall be less than two inch caliper at the time of planting.
12. The developer shall stripe the bike lane on Wasatch Blvd. as per the UDOT standard.
13. Construction for the project shall be limited to the hours between 7:00 AM and 8:00 PM daily to preserve the integrity of the adjacent neighborhoods.
14. Before a permit is issued for grading the development, the developer is required to meet with staff on site to demonstrate that all trees slated for protection on the final plans are clearly marked to be saved to prevent over cutting of existing trees during grading.
15. If any trees are removed which have been slated for protection per the final approved plans, the developer will replace the trees with vegetation as close to the size, type, quality and quantity as those removed.
16. Vegetation, including trees shall be increased in front of building 2 and the highest point of the landscaped berm between Wasatch Blvd. and the development shall be in front of building 2 to provide screening of the building from the street.
17. The developer and his architect shall work with staff to design an adequate bus shelter to be used at the site and those construction plans for the bus shelter shall be given to the City for possible use in other areas.
18. All roof lines on the proposed structures shall match in reference to roof pitches.
19. The rock pillars on the west face of building two shall be moved inward to prevent awkward shadow lines – ARC recommendation.
20. One four inch caliper tree will be required to replace the boxelder tree being removed due to building two's location.
21. That the use for the property be limited to office, business and/or professional, medical, optical or dental offices or laboratories.
22. That the developer is required to work with staff to dedicate an adequate irrevocable access easement to follow the historic trail through the property from Prospector Drive to Wasatch Blvd.
23. That all reflective equipment and material be limited under lighting to prevent reflection into properties above the development.
24. That the building height in the development be limited to 30 feet as measured according to section 19.76.170 of the supplementary and qualifying regulations.
25. That the developer and builder are required to show proof of adequate insurance to address any possible damages to adjacent properties from construction activities.

Engineering:

1. Please include the State Permit Number (NOI) on the Erosion Control Plan.
2. Utilities should be given a 10' easement with the utility centered within the easement. Parallel utilities should have their own easements allowing 10' between each utility. Also, ensure that an easement is recorded to allow City access to the storm water treatment system.
3. ADA ramps are needed along the entrance drive into the complex from Wasatch drive. Please call out details and provide them in the detail section of the plan set.
4. Ground or land drains should be provided at the end of swales to conduct the storm drain water into the main storm drain system. Based on the geotechnical reports we are concerned about keeping all areas well drained and free from potential soil saturation.
5. Please connect the storm drain lines that are conveying the offsite storm water from the

- hillside to the storm drain on Wasatch Boulevard using a combo box. Please design for the potential energy created from the change in grade.
6. Call out location and specific height of the retaining walls within the final plan set.
 7. Construct drainage swales along perimeter of slope and direct flow to a temporary sedimentation pond on the north side of the property.
 8. Provide stationing in plan view that is legible (move it out of dark areas etc.)
 9. Provide utility crossings in profile.
 10. Update all geotechnical and geology data on the final certified site plan. Stamp final site plan by a licensed geologist, licensed geotechnical engineer and a licensed surveyor. The plan showing the location of the fault lines, building footprint/setbacks and retaining walls shall comply with the National Map Accuracy Standards at a 1:20 scale.
 11. Meet all requirements as outlined by City Geologists. .

Geologist:

1. Submit final stamped letters/reports for all of the previous work used in defining the fault hazards to the City for review prior to final approval..
2. Submit the final fault setback map to the City for review to confirm the data previously reviewed by the City prior to final approval. This final setback map should use the survey data from AMEC (2004), Western Geologic (2006), and Western Geologic (2007) to locate trenches on the map and allow for accurate delineation of fault setback areas. A statement that all trenches used to delineate fault setback areas were surveyed by a licensed land surveyor should accompany the final fault setback map. This fault setback map should be a full size survey-grade site plan signed and stamped by both a licensed geologist and a licensed surveyor showing trench, fault, and proposed building locations and should be tied to section monuments with appropriate bearings and distances. No portions of proposed building footprints should be shown within any portion of the site designated on the fault setback map as within a setback area.
3. Excavate an additional trench in the area of Building 1 and Building 2 to a depth of 15 to 20 feet to confirm the findings of the AMEC (2004) and Western Geologic (2006 and 2007) reports in the proposed locations of these buildings prior to final approval. This trench would only need to be excavated east to west across the proposed buildable area to confirm the fault setbacks delineated by Western Geologic. These trenches could be excavated at the time the foundation excavations are excavated however adverse findings could result in a need to redesign or relocate buildings 1 and 2 so IGES recommends that this trench be excavated earlier.
4. The slope stability data sheets and laboratory soil strengths data sheets associated with the GSH report titled "Supplemental Discussions Slope Stability" and dated April 13, 2007 be provided to the City to include in the report file prior to final approval.
5. The fault setback map should include the design depths of footings for clarification purposes prior to final approval.

Fire Department:

The fire official has reviewed the plans and has the following comments:

1. Provide a fire department approved turn-a-round at the north end of the property.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

- 19.34 – Residential Multi-family zoning
- 19.49 – Gateway Overlay Zone
- 19.72 – Sensitive Lands
- 19.75 – Geological Hazard Areas
- 19.80 – Off-street parking requirements
- 19.82 – Signs
- 19.84 – Conditional Uses

Staff Contact:

Michael A. Black – City Planning Director

Phone: 545-4166

Fax: 545-4150

Email: mblack@cottonwoodheights.utah.gov

List of Attachments:

1. Site plans (4 pages)
2. Landscaping plans (3 pages)
3. Lighting plans (2 pages)
4. Architecture plans (7 pages)
5. UDOT conditional approval
6. City Geologist recommended conditions
7. City Geologist letter addressing zone of deformation comments
8. Timeline of development
9. Staff report regarding history of project with the County
10. Memo regarding open house results
11. Memo regarding history of zone change with the County
12. Citizen comment packet A: citizen comments from October 3, 2007 to October 9, 2007
13. Citizen comment packet B: citizen comments from October 17, 2007 to October 31, 2007.
14. Citizen comment packet C: citizen comments from December 5, 2007 to December 31, 2007.
15. Planning Commission Minutes:
 - A. October 3, 2007
 - B. October 17, 2007
 - C. November 14, 2007
 - D. December 5, 2007 (Draft)

Attachment:

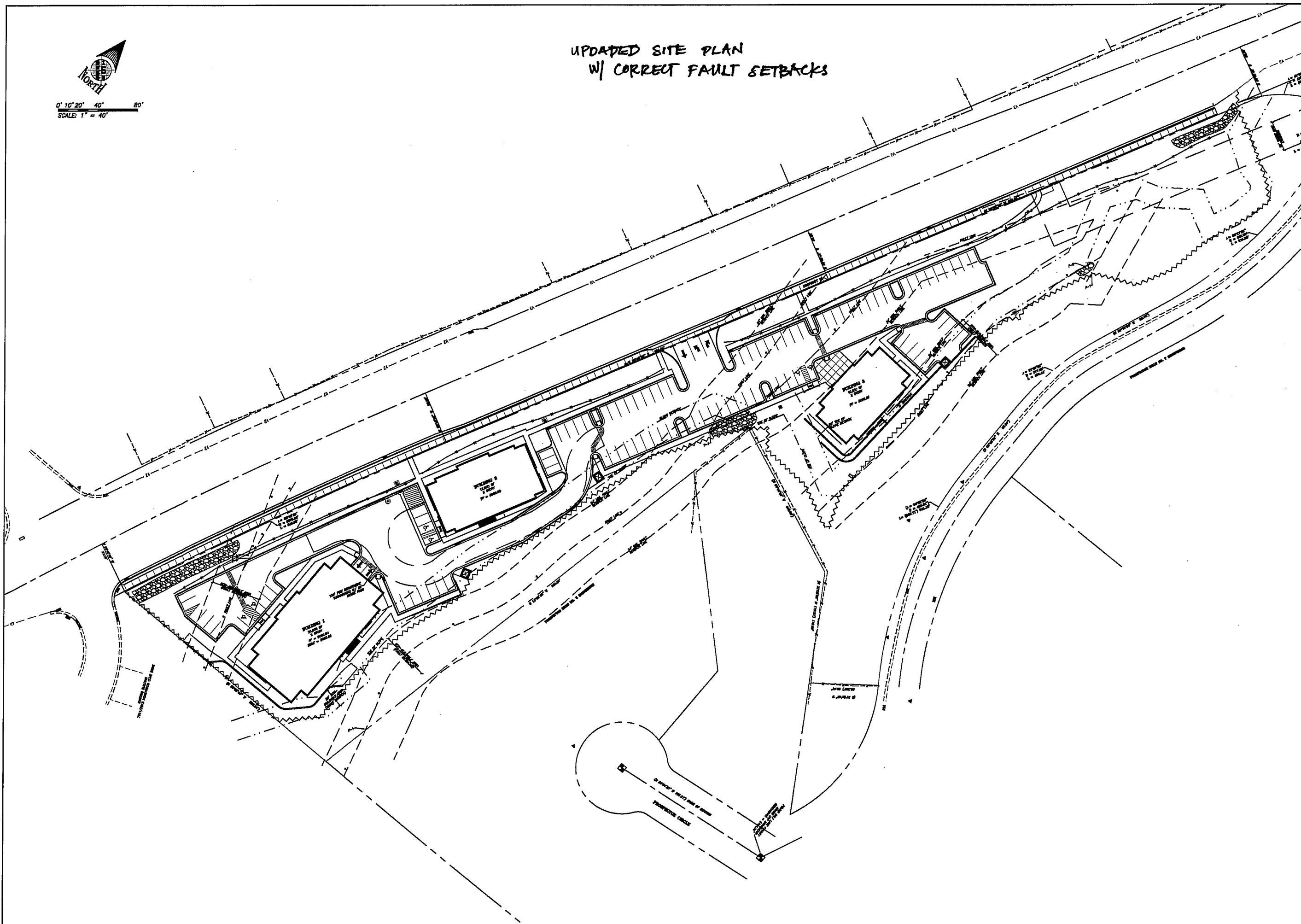
1

Wasatch Office
Site Plans

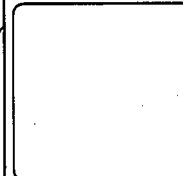


0' 10' 20' 40' 80'
SCALE: 1" = 40'

UPDATED SITE PLAN
W/ CORRECT FAULT SETBACKS



REV	DATE	DESCRIPTION

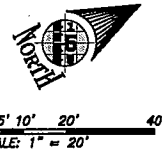


LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

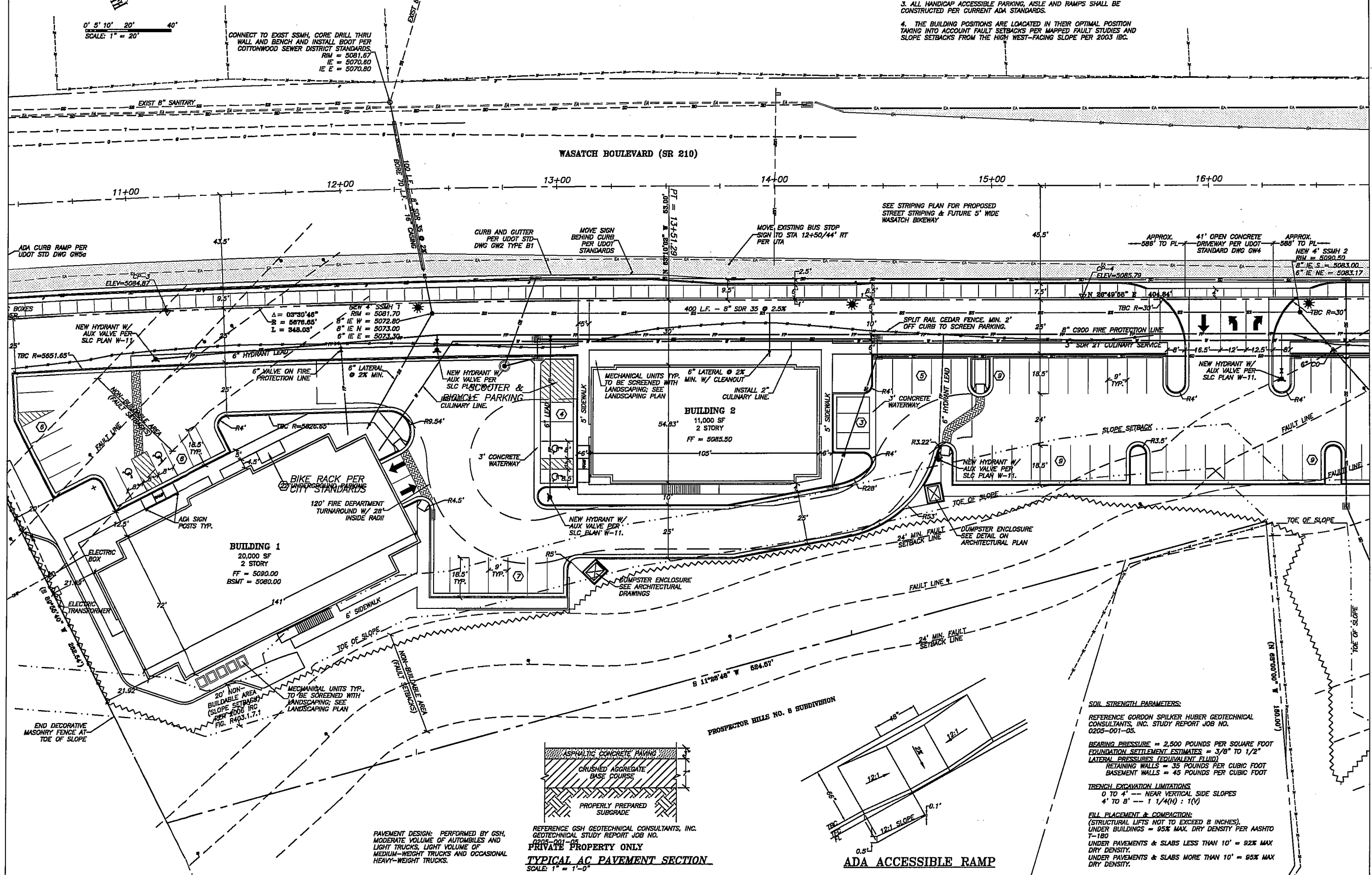
1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

SITE PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6839 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 26, T25, R1E, S16M

JOB NO:	05341-04E
DATE:	01/03/08
SCALE:	1" = 40'
DESIGNED:	
DRAWN:	RDS
CHECKED:	RDS



- NOTES:
1. SALT LAKE CITY PUBLIC UTILITIES GENERAL NOTES AS PERTINENT TO WATER AND FIRE MAINS AND SERVICES ARE INCORPORATED AS PART OF THIS PLAN SET.
 2. CONTRACTOR SHALL INSTALL FLEXIBLE EXPANSION JOINTS ON UTILITIES (STORM DRAIN, WATER & IRRIGATION) WHERE THE UTILITY CROSSES FAULT LINES TO PROTECT THE PUBLIC UTILITIES FROM POTENTIAL SURFACE FAULT RUPTURES.
 3. ALL HANDICAP ACCESSIBLE PARKING, AISLE AND RAMPS SHALL BE CONSTRUCTED PER CURRENT ADA STANDARDS.
 4. THE BUILDING POSITIONS ARE LOCATED IN THEIR OPTIMAL POSITION TAKING INTO ACCOUNT FAULT SETBACKS PER MAPPED FAULT STUDIES AND SLOPE SETBACKS FROM THE HIGH WEST-FACING SLOPE PER 2003 IBC.



REV	DATE	DESCRIPTION
1	12/20/06	DRAWINGS INCLUDE REVISION 1-7 (SL COUNTY & UDOT) CHANGES PER COTTONWOOD HEIGHTS REVIEW COMMENTS

LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

SITE UTILITY PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6829 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
SW 1/4 SECTION 25, T2S, R1E, S104M

JOB NO:	05341-04E
DATE:	10/01/06
SCALE:	1" = 20'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	KL7



Northern
ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

PARKING REQUIREMENTS:

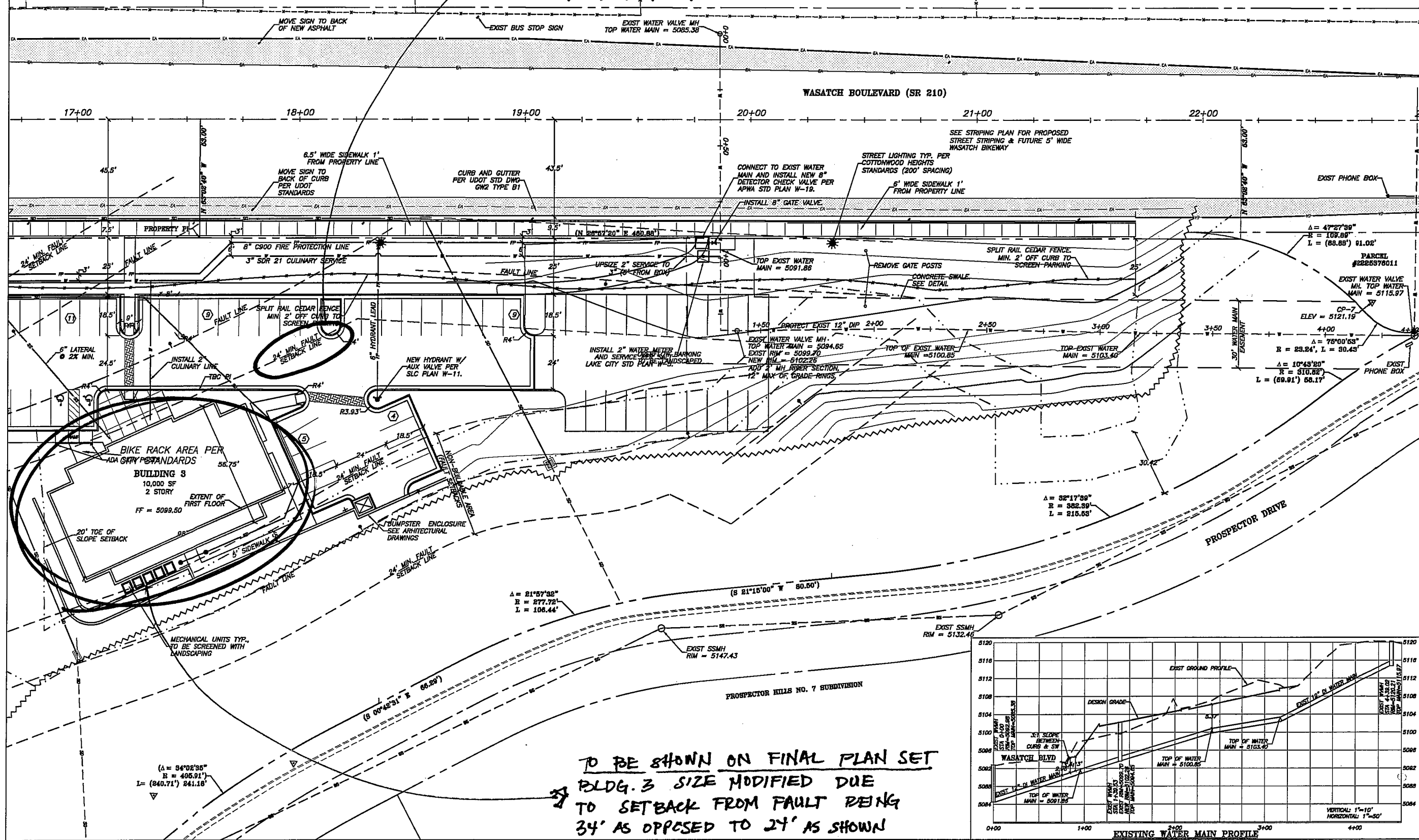
42000 SF TOTAL GENERAL OFFICE SPACE
REQUIRED PARKING SPACES = $42000 \times 0.80 / 200$
+ 2 = 170 STALLS

AVAILABLE PARKING SPACES = 173 STALLS

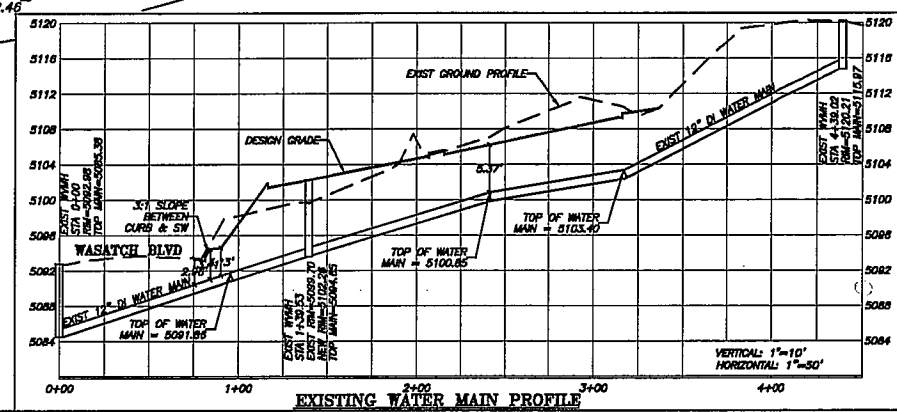
NOTE: SALT LAKE CITY PUBLIC UTILITIES GENERAL
NOTES AS PERTINENT TO WATER AND FIRE MAINS
AND SERVICES ARE INCORPORATED AS PART OF THIS
PLAN SET.

Fault line setback is 34' &
IS REFLECTED ON REVISED SITE
PLAN - SITE GRADING & UTILITY
PLAN TO BE UPDATED WITH SETBACK
& NEW BLDG. SIZE

0' 5' 10' 20' 40'
SCALE: 1" = 20'



TO BE SHOWN ON FINAL PLAN SET
BLDG. 3 SIZE MODIFIED DUE
TO SETBACK FROM FAULT BEING
34' AS OPPOSED TO 24' AS SHOWN



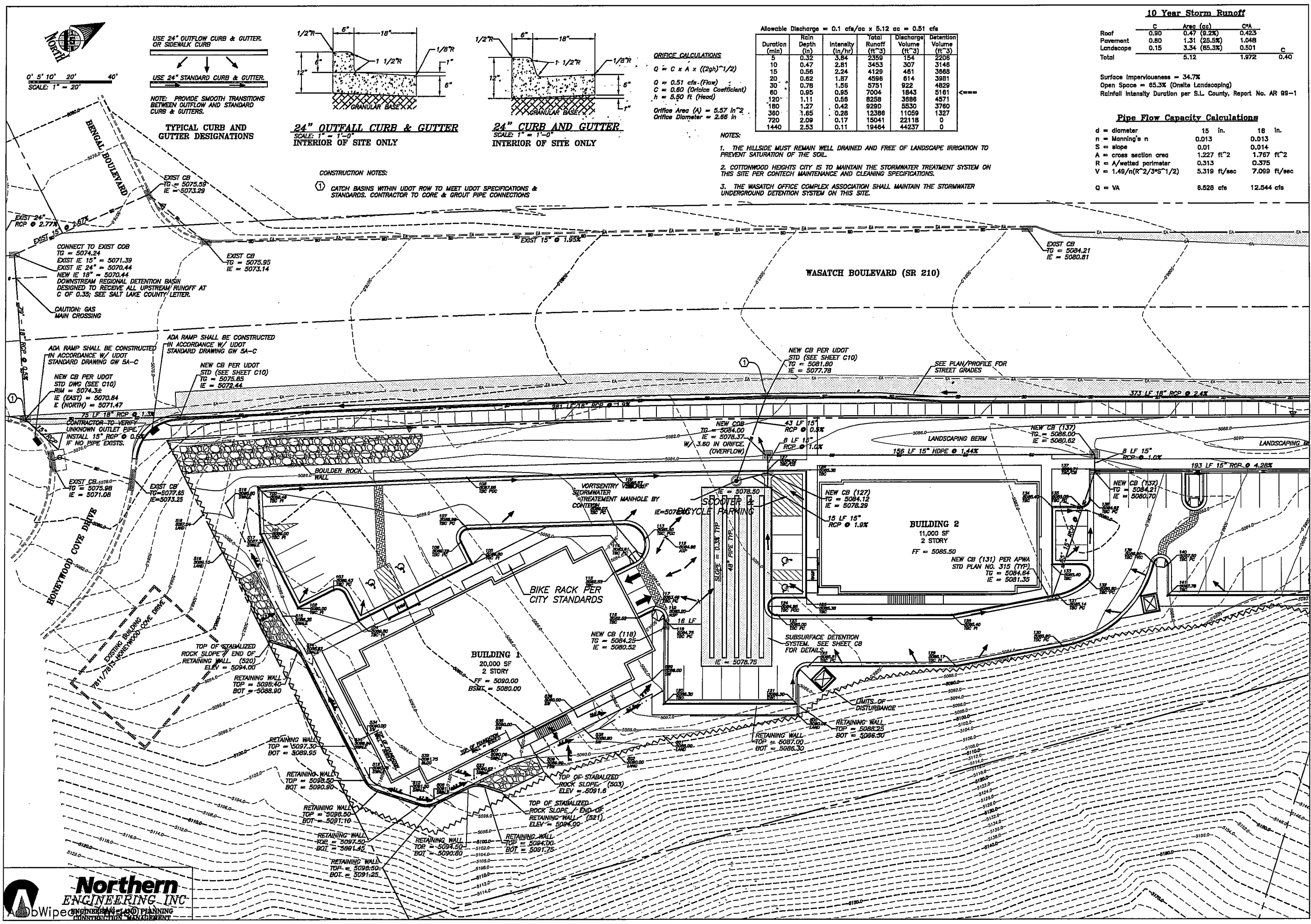
LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

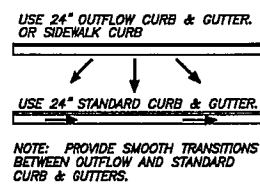
SITE UTILITY PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6829 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 25, T2S, R1E, S14W

JOB NO: 05341-04E
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DESIGNED: CAK
DRAWN: CAK
CHECKED: KLT

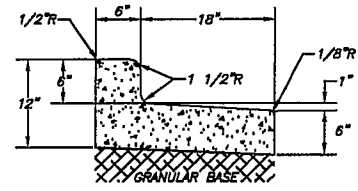
SHEET
C4 OF 11



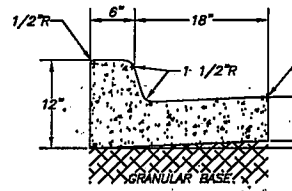
0' 5' 10' 20' 40'
SCALE: 1" = 20'



TYPICAL CURB AND GUTTER DESIGNATIONS



24" OUTFALL CURB & GUTTER
SCALE: 1" = 1'-0"
INTERIOR OF SITE ONLY



24" CURB AND GUTTER
SCALE: 1" = 1'-0"
INTERIOR OF SITE ONLY

ORIFICE CALCULATIONS

$Q = C \times A \times ((2gh)^{1/2})$
 $Q = 0.51 \text{ cfs (Flow)}$
 $C = 0.60 \text{ (Orifice Coefficient)}$
 $h = 5.50 \text{ ft (Head)}$
 $\text{Orifice Area (A)} = 5.57 \text{ in}^2$
 $\text{Orifice Diameter} = 2.66 \text{ in}$

NOTES:

1. THE HILLSIDE MUST REMAIN WELL DRAINED AND FREE OF LANDSCAPE IRRIGATION TO PREVENT SATURATION OF THE SOIL.
2. COTTONWOOD HEIGHTS CITY IS TO MAINTAIN THE STORMWATER TREATMENT SYSTEM ON THIS SITE PER CONTECH MAINTENANCE AND CLEANING SPECIFICATIONS.
3. THE WASATCH OFFICE COMPLEX ASSOCIATION SHALL MAINTAIN THE STORMWATER UNDERGROUND DETENTION SYSTEM ON THIS SITE.

Allowable Discharge = 0.1 cfs/ac x 5.12 ac = 0.51 cfs

Duration (min)	Rain Depth (in)	Intensity (in/hr)	Total Runoff (ft ³)	Discharge Volume (ft ³ /s)	Detention Volume (ft ³)
5	0.32	3.84	2359	154	2208
10	0.47	2.81	3453	307	3146
15	0.56	2.24	4129	461	3688
20	0.62	1.87	4596	614	3981
30	0.78	1.56	5751	922	4829
40	0.85	0.95	7004	1843	5161
60	1.11	0.56	8258	3888	4571
120	1.27	0.42	9280	5830	3780
360	1.65	0.28	12388	11059	1327
720	2.09	0.17	15041	22118	0
1440	2.53	0.11	19464	44237	0

10 Year Storm Runoff

	C	Area (ac)	C/A
Roof	0.90	0.47 (9.2%)	0.423
Pavement	0.80	1.31 (25.5%)	1.048
Landscape	0.15	3.34 (65.3%)	0.501
Total		5.12	1.972
			0.40

Surface Imperviousness = 34.7%
Open Space = 65.3% (Onsite Landscaping)
Rainfall Intensity Duration per S.L. County, Report No. AR 89-1

Pipe Flow Capacity Calculations

d = diameter	15 in.	18 in.
n = Manning's n	0.013	0.013
S = slope	0.01	0.014
A = cross section area	1.227 ft ²	1.767 ft ²
R = A/wetted perimeter	0.313	0.375
V = 1.49/n(R ^{2/3} S ^{1/2})	5.319 ft/sec	7.089 ft/sec
Q = VA	6.528 cfs	12.544 cfs

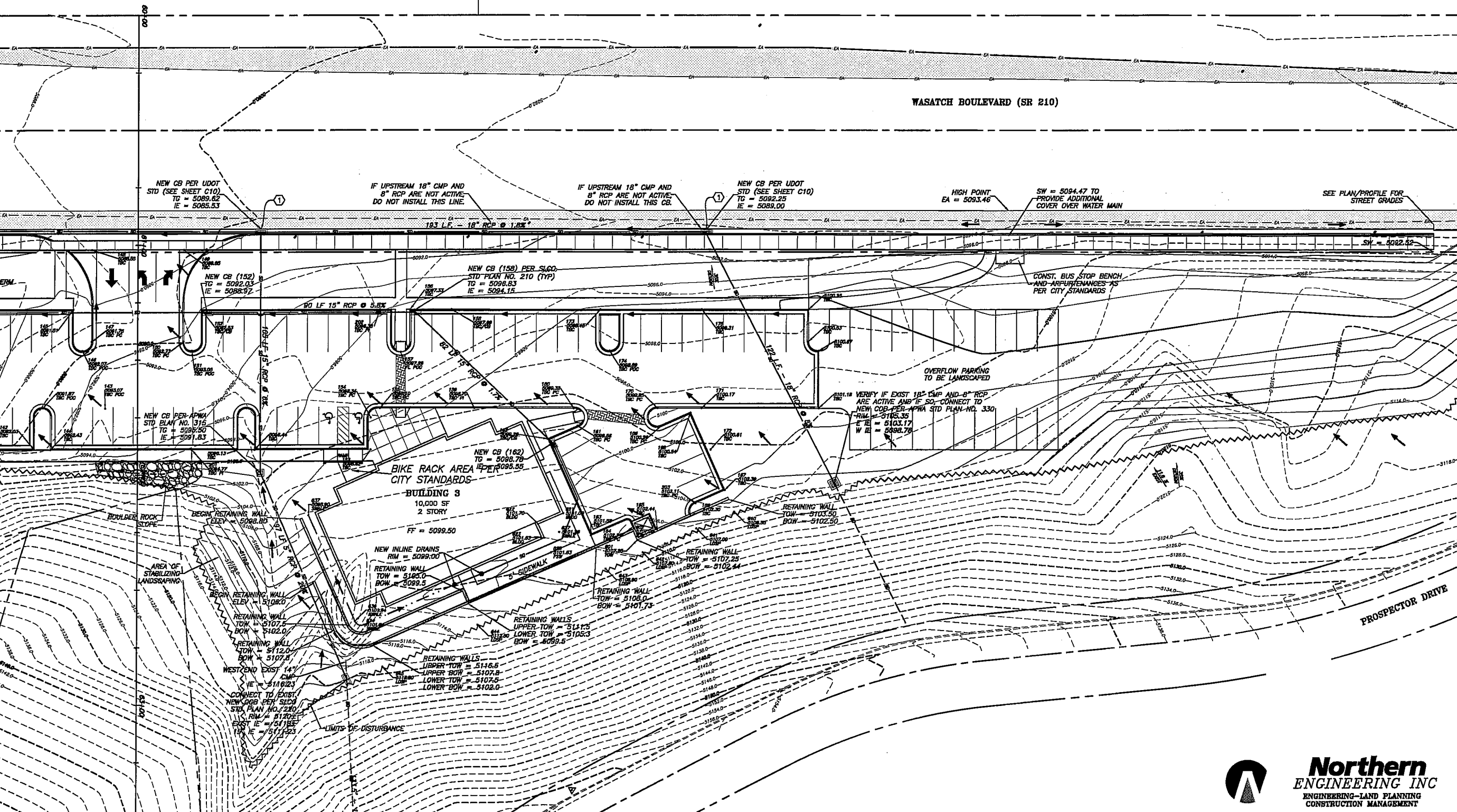
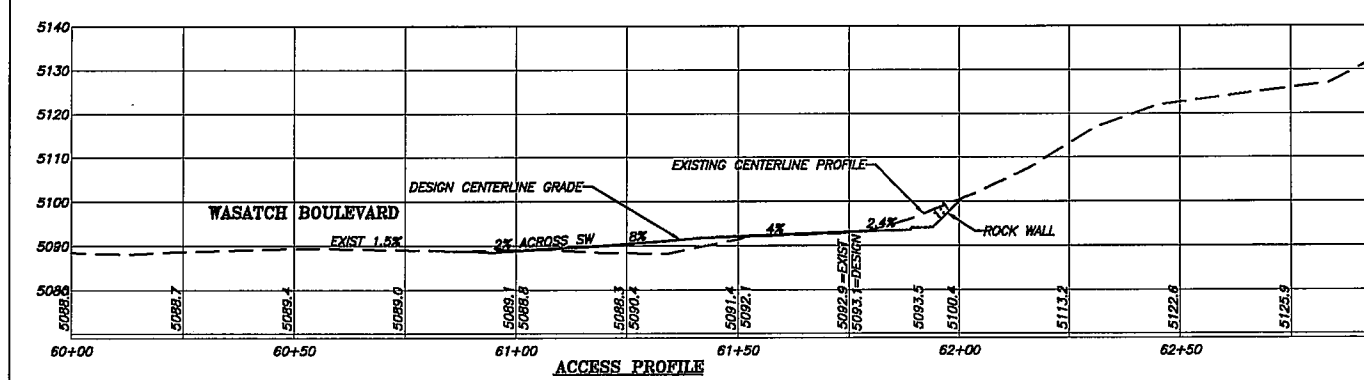
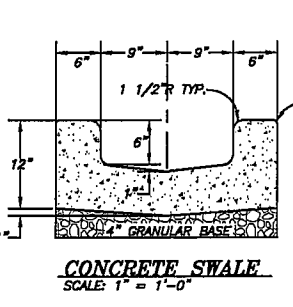
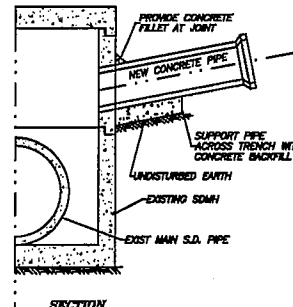
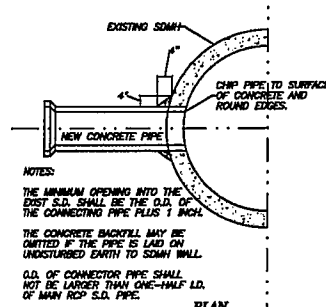
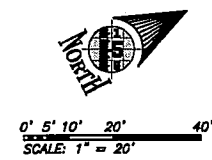
Northern
ENGINEERING INC.
A Division of Wipeco Engineering & Planning
CONSTRUCTION MANAGEMENT

REV	DATE	DESCRIPTION
1	12/20/06	DRAWINGS INCLUDE REVISION 1-7 (SL COUNTY & UDOT) CHANGES PER COTTONWOOD HEIGHTS REVIEW COMMENTS

LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS
1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2694
Fax: (801) 972-2698

GRADING & DRAINAGE PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6029 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
SW 1/4 SECTION 25, T25, R1E, S18&M
LOCATION:

JOB NO:	05341-04E
DATE:	10/01/06
SCALE:	1" = 20'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	KLJ



REV	DATE	DESCRIPTION
1	12/20/06	CHANGES PER COTTONWOOD HEIGHTS REVIEW COMMENTS

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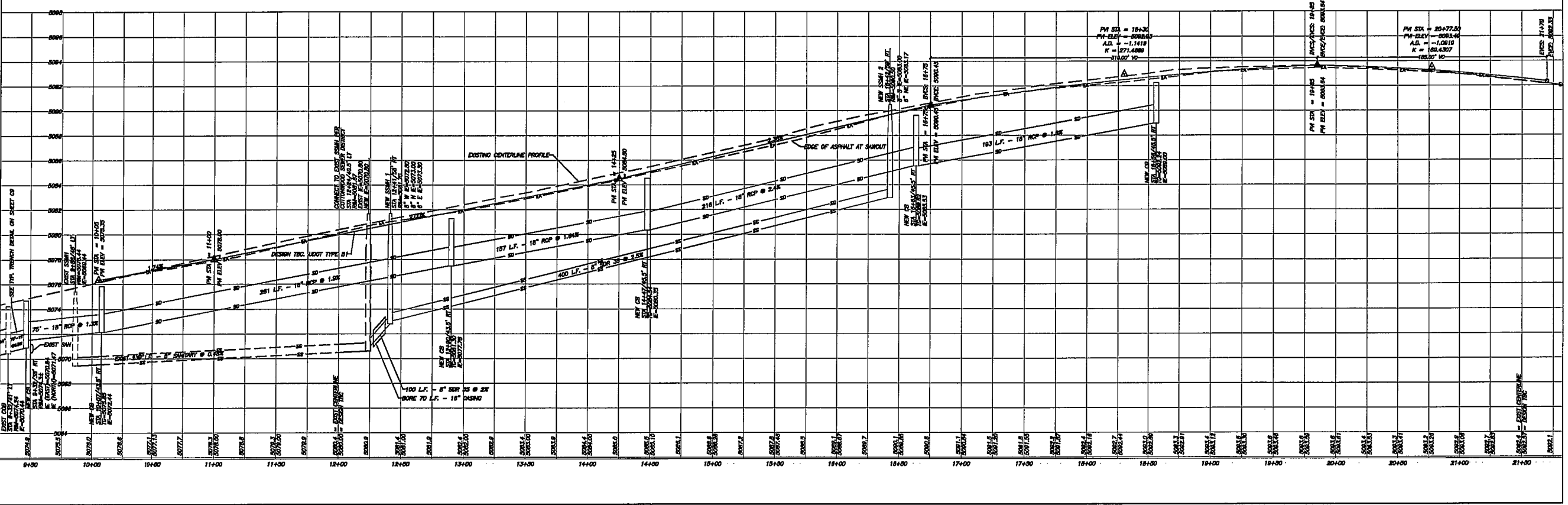
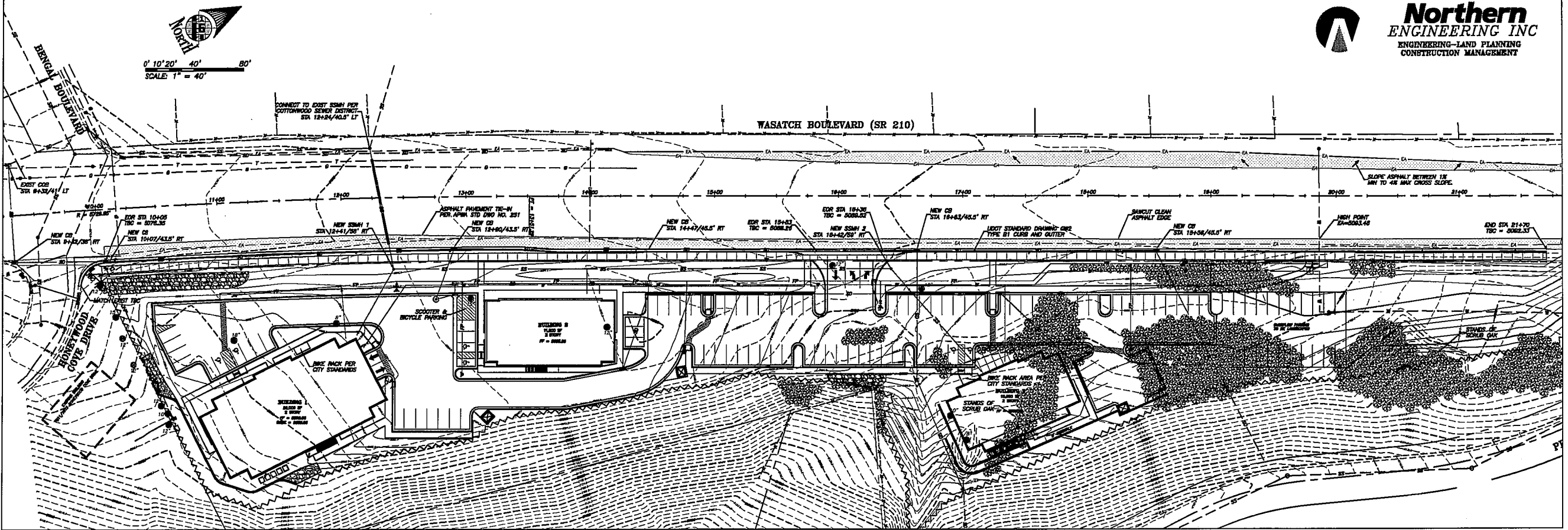
LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

GRADING & DRAINAGE PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6829 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
SW 1/4 SECTION 25, T2S, R1E, S34M

JOB NO:	05341-04E
DATE:	10/01/06
SCALE:	1" = 20'
DESIGNED:	CAK
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CHECKED:	KL7

Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT



REVISION	DATE	DESCRIPTION
1	12/20/06	CHANGES PER COTTONWOOD HEIGHTS REVIEW COMMENTS

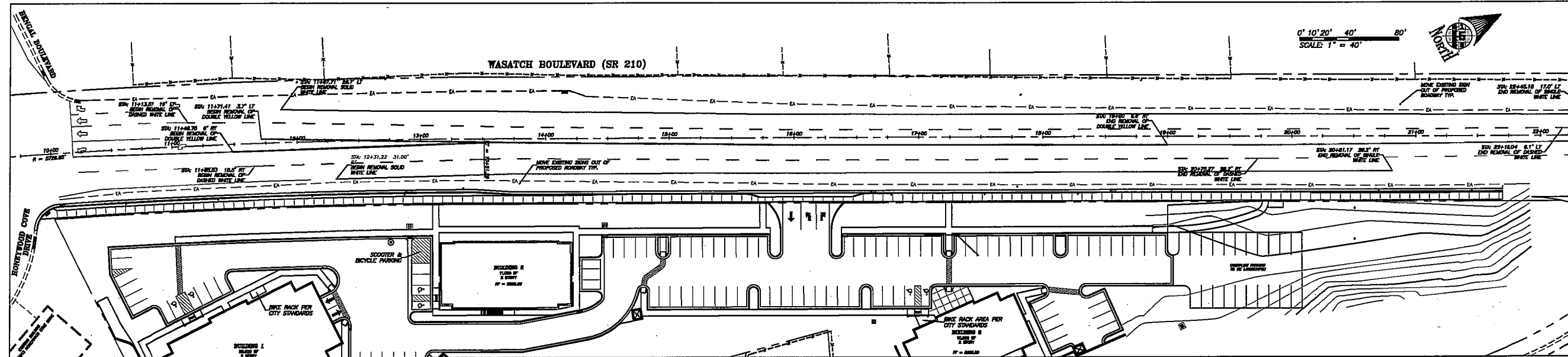
LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

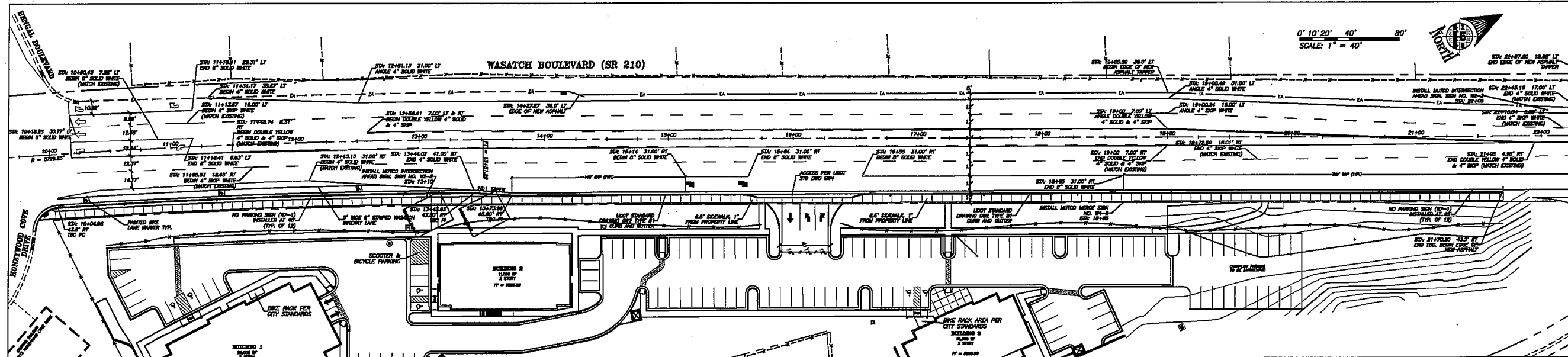
SITE PLAN & PROFILE
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
8629 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 25, T2S, R1E, S18E

JOB NO:	05341-04E
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SCALE:	1" = 40'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	KLT

EXISTING STRIPING & DEMOLITION PLAN



PROPOSED STRIPING PLAN



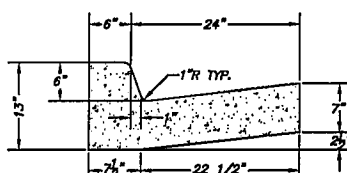
Existing Painted Directional Arrows
New Painted Directional Arrows

NOTES:

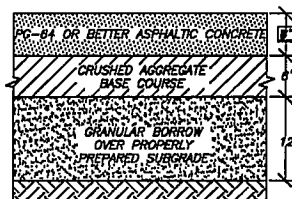
1. WORK IN UDOT RIGHT-OF-WAY IS RESTRICTED FROM OCTOBER 15 - APRIL 15.
2. ANY NEW PAVEMENT MARKINGS OR PAVEMENT MARKINGS THAT ARE REMOVED FROM THE HIGHWAY ARE TO BE REPLACED WITH IN KIND MATERIALS SUCH AS 5M TAPE, EPOXY, THERMOPLASTIC, ETC. ALL PAINT LINES ARE TO BE INSTALLED WITH PERMANENT PAINT APPLICATION BEFORE COMPLETION OF THE PERMIT AND MUST HAVE AT LEAST 6 MONTHS LIFE AS DETERMINED BY THE UDOT PERMITS OFFICER.
3. BEFORE COMMENCING WORK ON THE STATE HIGHWAY, THE CONTRACTOR WHO IS AWARDED THE PROJECT MUST HAVE A PERFORMANCE BOND ON FILE WITH UDOT, AND OBTAIN AN ENCROACHMENT PERMIT FROM THE REGION TWO PERMITS OFFICE.
4. WORK IS NOT ALLOWED ON THE RIGHT OF WAY DURING THE AM/PM PEAK TRAFFIC HOURS (6:00-9:00 AM AND 3:30-6:00 PM).
5. ALL SIGNS INSTALLED ON THE UDOT RIGHT-OF-WAY, TO INCLUDE ANY EXISTING THAT ARE TO BE RELOCATED, WILL BE HIGH INTENSITY GRADE PER UDOT STANDARD DRAWING SN 7 & SN 11 ON TYPE P4 POSTS.

*6. THE ENTIRE ROADWAY IN THE WIDENING AND RESTRIPIING SECTION IS TO BE SLURRY-SEALED AND RESTRIPIED FROM APPROXIMATELY STA 11+00 TO STA 22+50.

*7. FOR ALL UTILITY TAPS, FLOWABLE FILL PER UDOT'S CURRENT MIX DESIGN AND 6" OF PG-64 OR BETTER GRADE ASPHALT CONFORMING TO CURRENT STATE SPECIFICATIONS ARE REQUIRED. SEE UTILITY AND PLAN/PROFILE DRAWINGS FOR UTILITY INFORMATION.

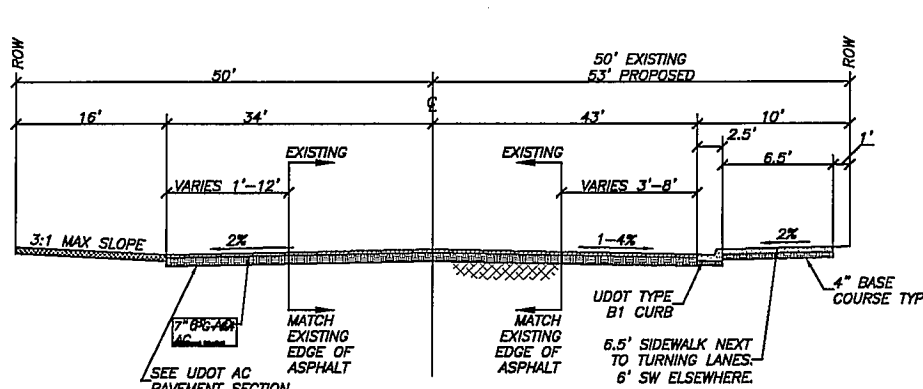


NOTE: USE 3" MINIMUM UNTREATED BASE COURSE
CURB & GUTTER, U.D.O.T. STD. TYPE "B1"
SCALE: NTS



REFERENCE PERTINENT GEOTECHNICAL REPORTS

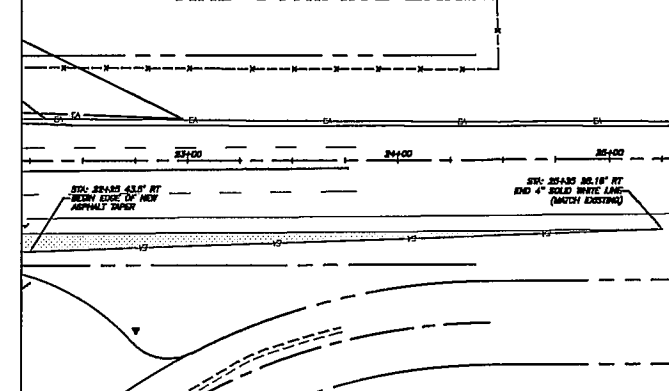
UDOT AC PAVEMENT SECTION
SCALE: 1" = 1'-0"



TYPICAL ROAD SECTION
NTS WASATCH BOULEVARD (SR 210)

NOTE: ENTIRE WIDTH OF ROAD IN NEW STRIPED AREA WILL NEED TO BE SLURRY SEALED BEFORE FINAL STRIPING IS PLACED.

PROPOSED ASPHALT TAPER AND STRIPING EXHIBIT



Northern
ENGINEERING INC.
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

REVISION	DATE	DESCRIPTION
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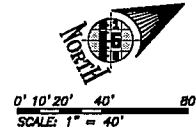
LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

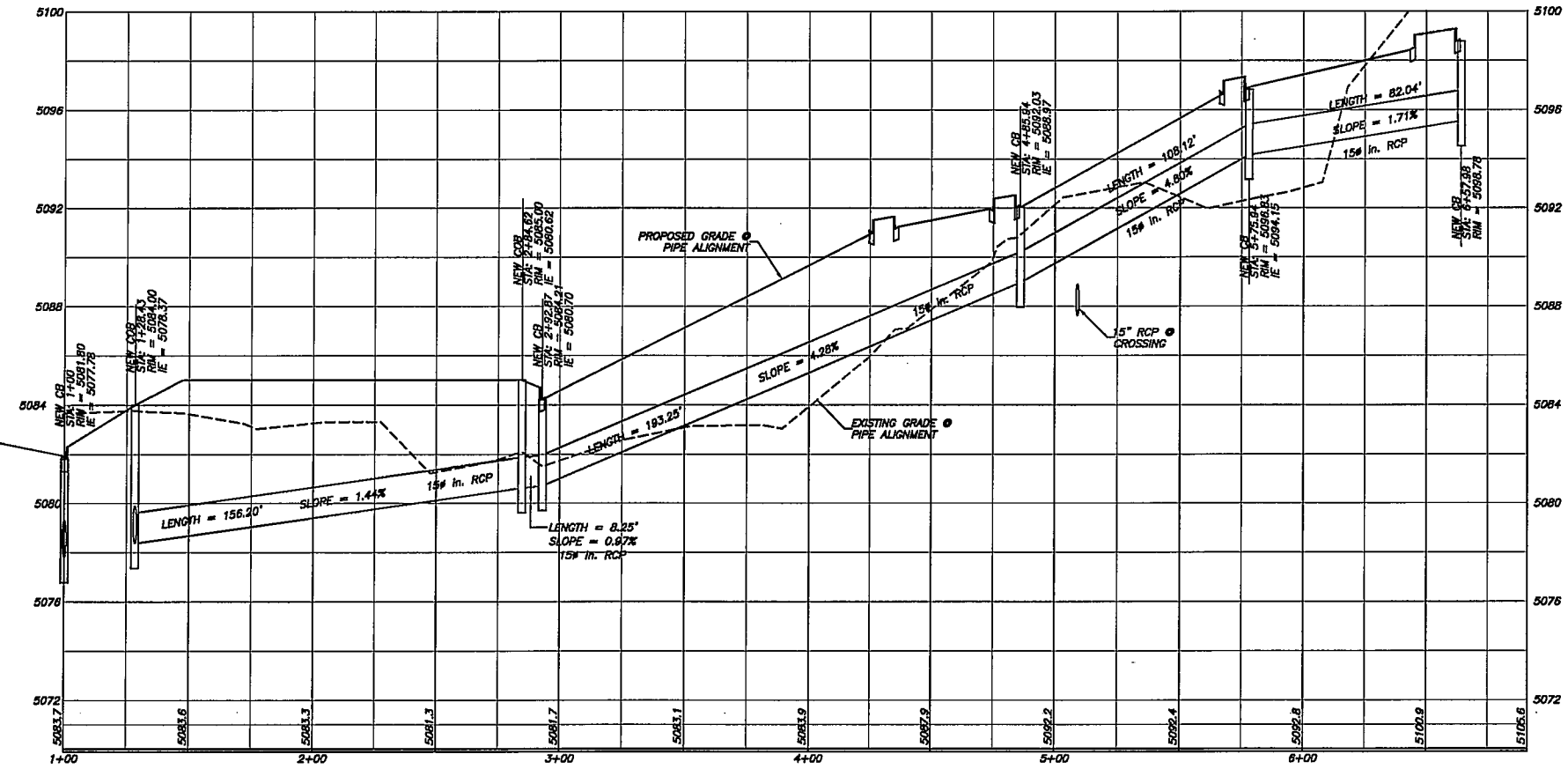
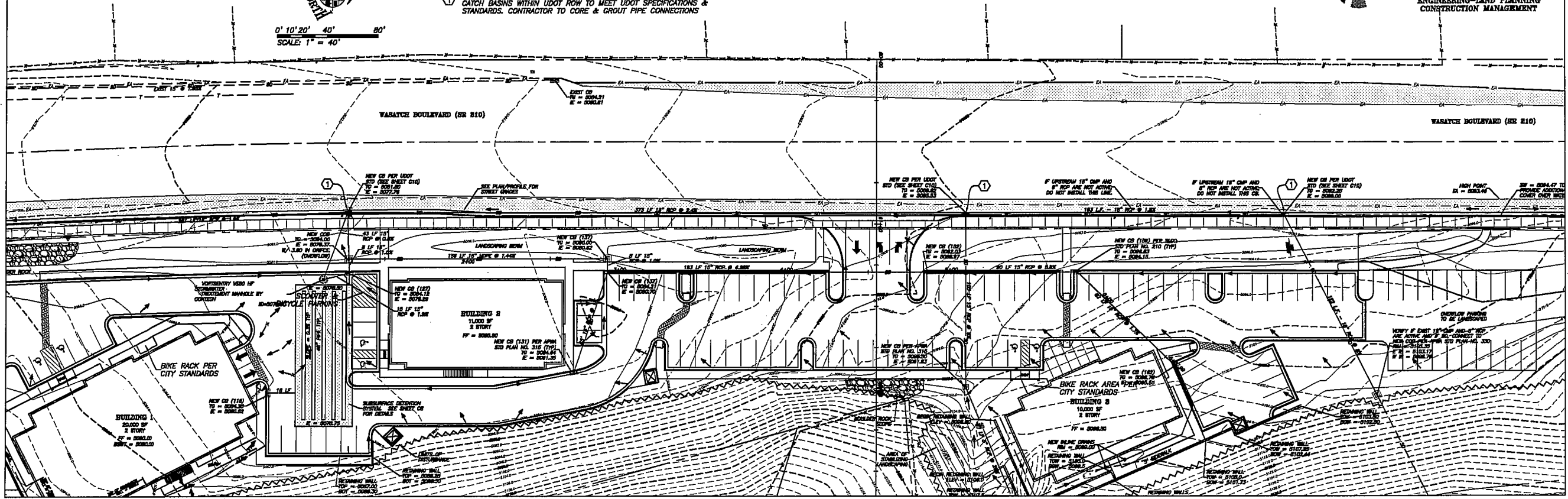
STRIPING PLAN
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UDAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6829 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 25, T2S, R1E, S10W

JOB NO:	05341-04E
DATE:	10/01/06
SCALE:	1" = 40'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	RLT

SHEET
C8 OF 11



CONSTRUCTION NOTES:
① CATCH BASINS WITHIN UDOT ROW TO MEET UDOT SPECIFICATIONS & STANDARDS. CONTRACTOR TO CORE & GROUT PIPE CONNECTIONS



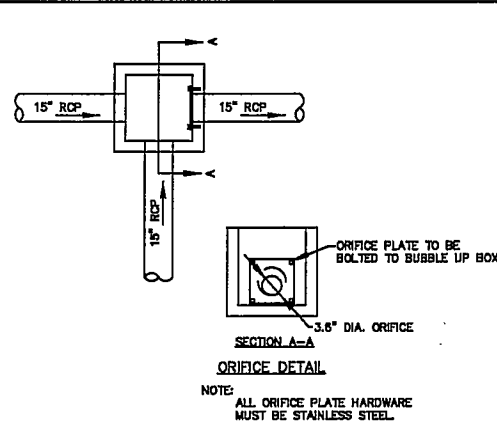
REV	DATE	DESCRIPTION
1	12/20/05	DRAWINGS INCLUDE REVISION 1-7 (SL COUNTY & UDOT) CHANGES PER COTTONWOOD HEIGHTS REVIEW COMMENTS

LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

STORM DRAIN PLAN & PROFILE
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
8620 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 25, T2S, R1E, S18AM

JOB NO:	05341-04E
DATE:	10/01/06
SCALE:	1" = 40'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	KLT

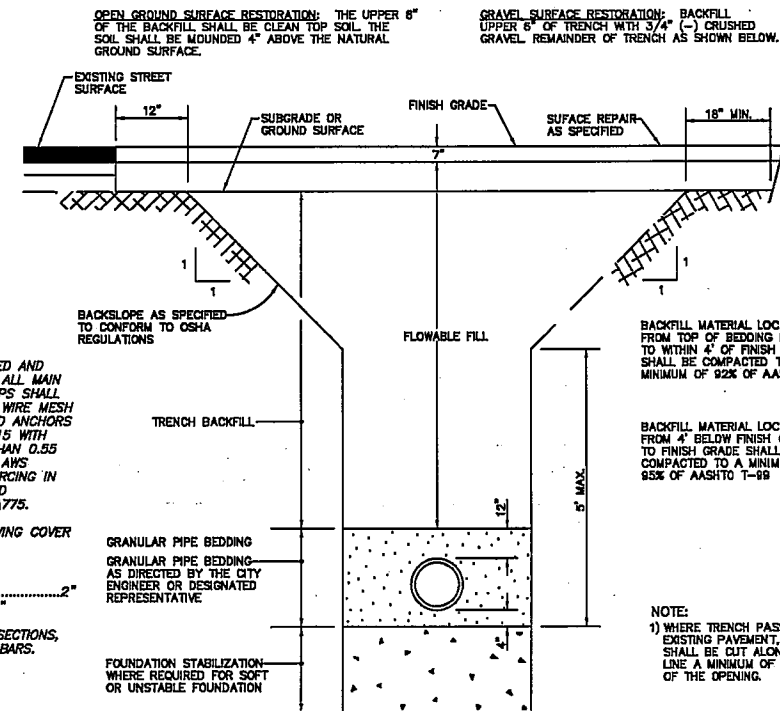
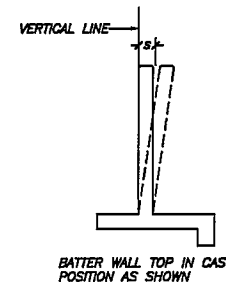


1. NORMAL WEIGHT CONCRETE (145 PCF MIN.) SHALL HAVE A MINIMUM 28 DAY CYLINDER STRENGTH OF 3000 PSI FOR RETAINING WALLS. USE ASTM C150 TYPE I OR II PORTLAND CEMENT.
2. ALL CONCRETE SHALL BE TESTED IN ACCORDANCE WITH ASTM C31 AND ASTM C39 WITH REPORTS FILED WITH ENGINEER.
3. ALL REINFORCING STEEL, DOWELS AND ANCHOR BOLTS AND OTHER INSERTS OR EMBEDDED ITEMS SHALL BE FIRMLY SECURED IN POSITION PRIOR TO PLACING CONCRETE.
4. "CONTINUOUS" REINFORCING STEEL MAY BE SPLICED WITH A LAP OF 36 IN. DIAMETERS FOR UNSTRAINED AND 46" FOR COATED REINFORCEMENT UNLESS NOTED OTHERWISE. SPLICES SHALL NOT BE MADE IN REGIONS OF HIGH STRESS UNLESS SPLICE LENGTHS ARE INCREASED ACCORDING TO CODE.

1. REINFORCING BARS SHALL BE DEFORMED AND CONFORM TO ASTM A815 GRADE 60 FOR ALL MAIN REINFORCING. TIES, STIRRUPS, AND HOOPS SHALL CONFORM TO GRADE 40 OR 60. WELDED WIRE MESH SHALL CONFORM TO ASTM A185. WELDED ANCHORS SHALL CONFORM TO ASTM A708W OR A615 WITH VERIFIED CARBON EQUIVALENTS LESS THAN 0.55 PERCENT. ALL REINFORCING SHALL CONFORM TO AWS D1.4-98. FABRICATE AND PLACE REINFORCING IN ACCORDANCE WITH IBC SEC 1907. COATED REINFORCING SHALL CONFORM TO ASTM A775.

2. REINFORCING SHALL HAVE THE FOLLOWING COVER UNLESS OTHERWISE NOTED OR SHOWN:
CONCRETE AGAINST EARTH (NOT FORMED).....3"
CONCRETE AGAINST EARTH (FORMED)2 SLABS1/2"

3. EXTEND ALL REINFORCING THRU INTERSECTIONS, AROUND CORNERS OR FURNISH CORNER BARS. PROVIDE HOOKS AT WALL TERMINATIONS.



NOTE:
1) WHERE TRENCH PASSES THROUGH EXISTING PAVEMENT, THE PAVEMENT SHALL BE CUT ALONG A NEAT VERTICAL LINE A MINIMUM OF 12" FROM THE EDGE OF THE OPENING.

The diagram illustrates the ADS N-12 test setup. The top view shows three circular holes arranged horizontally, separated by a distance 'S'. The cross-section view shows the holes are drilled into a layer of 'CLASS I OR II MATERIAL PER ASTM D2321, LATEST EDITION, COMPACTED IN MAX. 8" LOOSE LIFTS TO 95% MIN. OF MAX. SPD'. The material is contained within a 'BEDDING (CLASS I OR II MATERIAL)' layer, which is 4" min. thick for 12"-24" N-12 and 6" min. thick for 30"-60" N-12. The holes are surrounded by 'UNDISTURBED EARTH'. The total height of the bedding layer is labeled 'H (FLEX. PVMT.)'.

CLASS I OR II MATERIAL PER ASTM D2321, LATEST EDITION, COMPACTED IN MAX. 8" LOOSE LIFTS TO 95% MIN. OF MAX. SPD

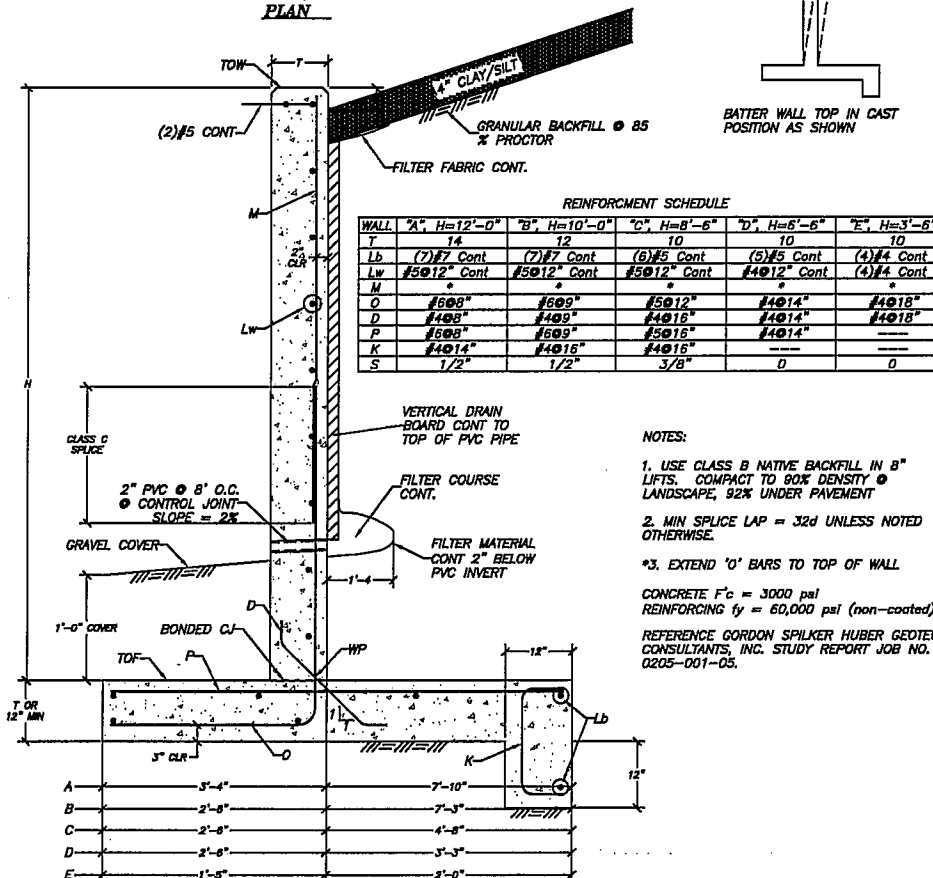
BEDDING (CLASS I OR II MATERIAL)

- = 4" MIN. FOR 12"-24" N-12
- = 6" MIN. FOR 30"-60" N-12

H = 12" FOR UP TO AND INCLUDING 48" N-12 (24" FOR 60" N-12)
* FOR LIVE LOAD INSTALLATIONS PROVIDE 24" COVER FOR 42"-60" N-12

NOTES:

1. ALL RETENTION AND DETENTION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION.
2. MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL MATERIAL, WHEN REQUIRED.
3. FOR MORE DETAILED INFORMATION, SEE ADS TECHNICAL NOTE 2.120, "STORM WATER DETENTION/RETENTION SYSTEM DESIGN".
4. CLASS I SOIL - OPEN GRADED CLEAN ANGULAR, CRUSHED STONE OR ROCK OR CRUSHED GRAVEL. LARGE VOID CONTENT W/ LITTLE OR NO FINES.
5. CLASS II SOIL - CLEAN, COARSE-GRAINED MATERIALS, SUCH AS GRAVEL, COARSE SANDS, AND GRAVEL / SAND MIXTURES (1 1/2" MAX. SIZE.)



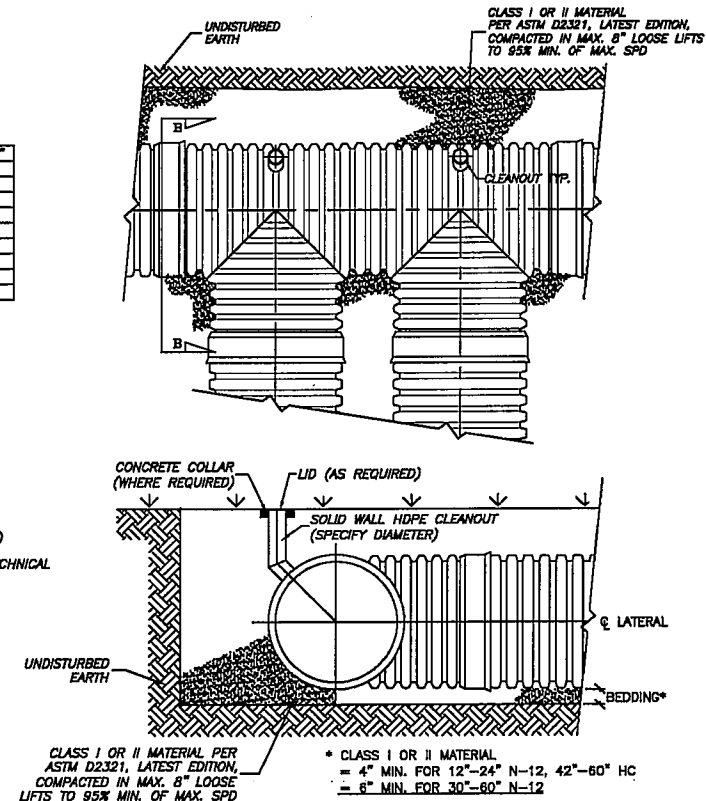
1. USE CLASS B NATIVE BACKFILL IN 8" LIFTS. COMPACT TO 90% DENSITY @ LANDSCAPE, 92% UNDER PAVEMENT

2. MIN SPLICE LAP = 32d UNLESS NOTED OTHERWISE.

*3. EXTEND 'O' BARS TO TOP OF WALL

CONCRETE $F'_c = 3000$ psi
REINFORCING $f_y = 60,000$ psi (non-coated)

REFERENCE GORDON SPILKER HUBER GEOTECHNICAL
CONSULTANTS, INC. STUDY REPORT JOB NO.
0205-001-05.




SECTION B-B

TYPICAL SUBSURFACE DETENTION CROSS SECTION A

SCALE: NONE

TYPICAL CLEANOUT DETAILS



**LARSEN &
MALMQUIST INC.**

CIVIL ENGINEERS & LAND SURVEYORS

**1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698**

CONSTRUCTION DETAILS

WASAICH OFFICE COMPLEX, 1133 SOUTH WASAICH BOULEVARD

PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.

TTN: BLAINE WALKER
8629 SOUTH 1300 EAST

SW 1/4 SECTION 25,

LOCATION:	SW 1/4 SECTION 25, T2S, R1E, SLB&M
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NOTATION:

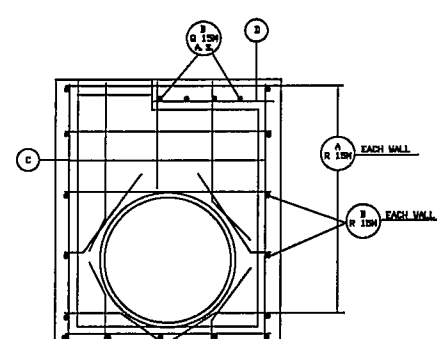
JOB NO:	05341-04E
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SCALE:	1" = 40'
DESIGNED:	CAK
DRAWN:	CAK
CHECKED:	KLT

SHEET
C10 OF 11

[illegible]


NOTE 4: CONCRETE NEEDED FOR FORMED INVERT.

PIPE SIZES	18"	18"	24"	30"	36"	48"	48"
RCF (m ³)	---	.191	.222	.286	.379	.483	---
CIP (m ³)	.081	.106	.120	.154	.169	.220	.277



- 1- THE JOINTS SEALS OF THE BOX SHALL BE FORMED TO FIT THE JOINTS OF THE PIPES & WHEN ITS REQUIRED ACCORDING TO THE DETAILS SHOWN ON THIS SHEET. SEE TABLE 3 ON SHEET 3 AND 4 FOR ADDITIONAL QUANTITIES.
- 2- CONCRETE DISPLACED BY PIPES SHALL BE DEDUCTED FROM THESE CONCRETE QUANTITIES GIVEN IN SCHEDULE OF INSTALLATION TABLE 1 ON SHEET 3 AND 4.
- 3- WHEN FORMWORK IS REQUIRED, SEE TABLE 3 ON SHEET 3 AND 4 FOR ADDITIONAL CONCRETE QUANTITIES.
- 4- FIELD CUT AND BEND REINFORCING STEEL AS NECESSARY TO CLEAR PIPES AND MAINTAIN 2" MINIMUM CLEARANCE.
- 5- UNLESS OTHERWISE SHOWN, ALL DIMENSIONS ARE CUT TO CUT OF BARS.
- 6- WEIGHT QUANTITIES FOR GRATE AND FRAME AND SOLID CORE FRAME ARE SHOWN FOR INFORMATION ONLY.
- 7- SEE SHEET 1 FOR DIMENSIONS.
- 8- PIPE DIAMETERS SHOWN IN TABLES AND SCHEDULE ARE INSIDE DIAMETERS.
- 9- MAXIMUM PIPE DIMENSIONS SHOWN IN SCHEDULE OF INSTALLATION ARE FOR PIPES PERPENDICULAR TO WALLS OF BOX. CLEARANCES SHOULD BE DETERMINED FOR SKIMMED PIPES.
- 10- SEE STANDARD DRAWING 1706 FOR MANHOLE STEP DETAILS.
- 11- ALL REINFORCING BARS TO BE 1/2" BARS @ 12" UNLESS OTHERWISE SHOWN.
- 12- WHEN SOLID CORE IS REQUIRED, AND IT DOES GO BY A. OF CONCRETE TO THESE QUANTITIES GIVEN IN SCHEDULE OF INSTALLATION AND 3% TO EACH 3-INCH, AND 1% FOR REINFORCING STEEL QUANTITIES.

SHEET
C11 OF 11

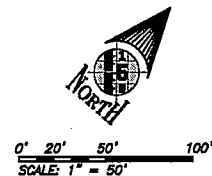


**LARSEN &
MALMQUIST INC.**

CIVIL ENGINEERS & LAND SURVEYORS



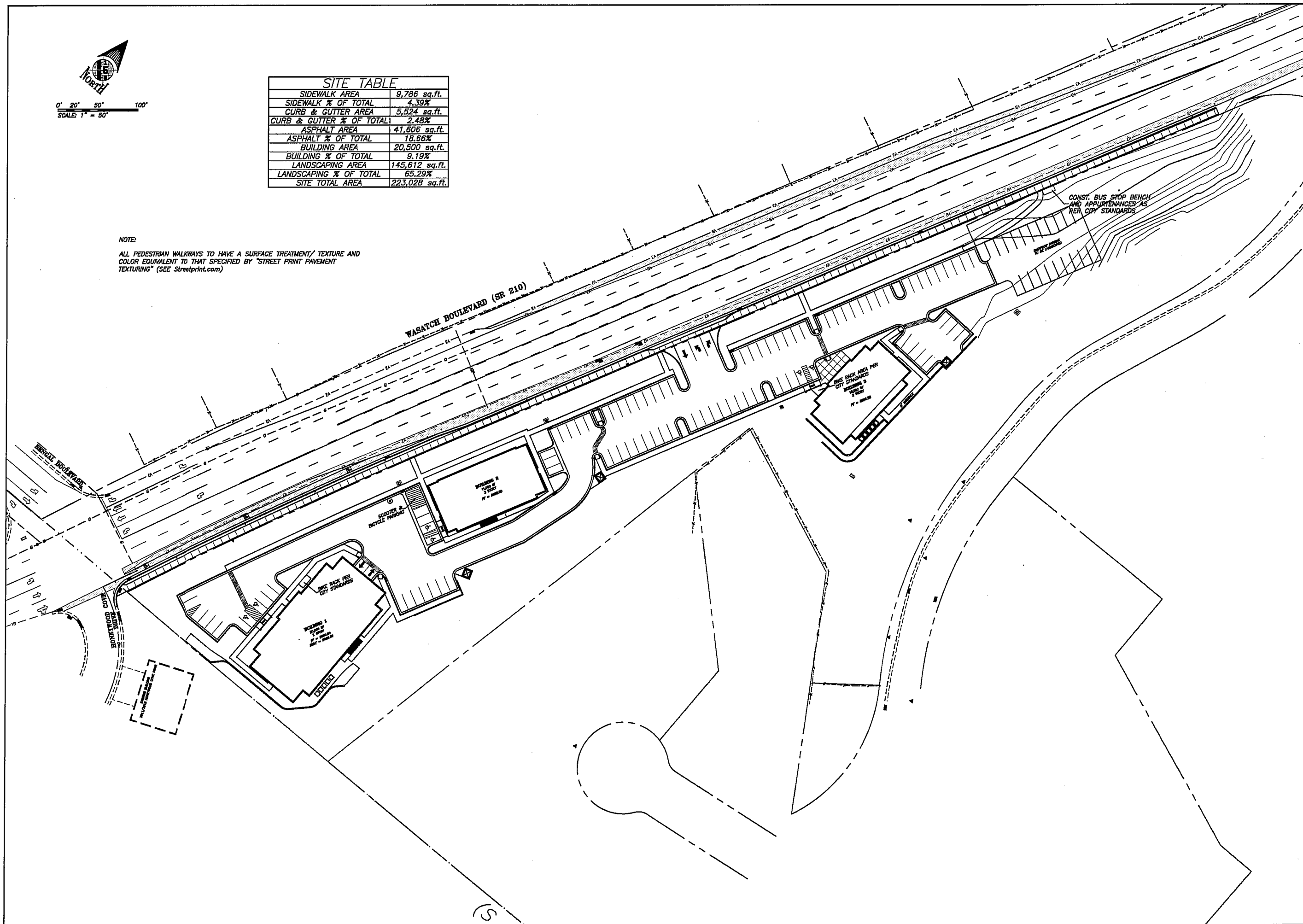
Northern
ENGINEERING INC
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT



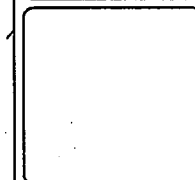
SITE TABLE	
SIDEWALK AREA	9,786 sq.ft.
SIDEWALK % OF TOTAL	4.39%
CURB & GUTTER AREA	5,524 sq.ft.
CURB & GUTTER % OF TOTAL	2.48%
ASPHALT AREA	41,606 sq.ft.
ASPHALT % OF TOTAL	18.66%
BUILDING AREA	20,500 sq.ft.
BUILDING % OF TOTAL	9.19%
LANDSCAPING AREA	145,612 sq.ft.
LANDSCAPING % OF TOTAL	65.29%
SITE TOTAL AREA	223,028 sq.ft.

NOTE:

ALL PEDESTRIAN WALKWAYS TO HAVE A SURFACE TREATMENT/ TEXTURE AND COLOR EQUIVALENT TO THAT SPECIFIED BY "STREET PRINT PAVEMENT TEXTURING" (SEE Streetprint.com)



KEY	DATE	DESCRIPTION
1		DRAWINGS INCLUDE REVISION 1-7 (SALT LAKE COUNTY)
2		
3		
4		
5		
6		
7		



LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2638

SITE OVERVIEW
WASATCH OFFICE COMPLEX, 7755 SOUTH WASATCH BOULEVARD
PREPARED FOR: UTAH PROPERTY DEVELOPMENT, INC.
ATTN: BLAINE WALKER
6829 SOUTH 1300 EAST
SALT LAKE CITY, UT 84121
LOCATION: SW 1/4 SECTION 25, T2S, R1E, S14M

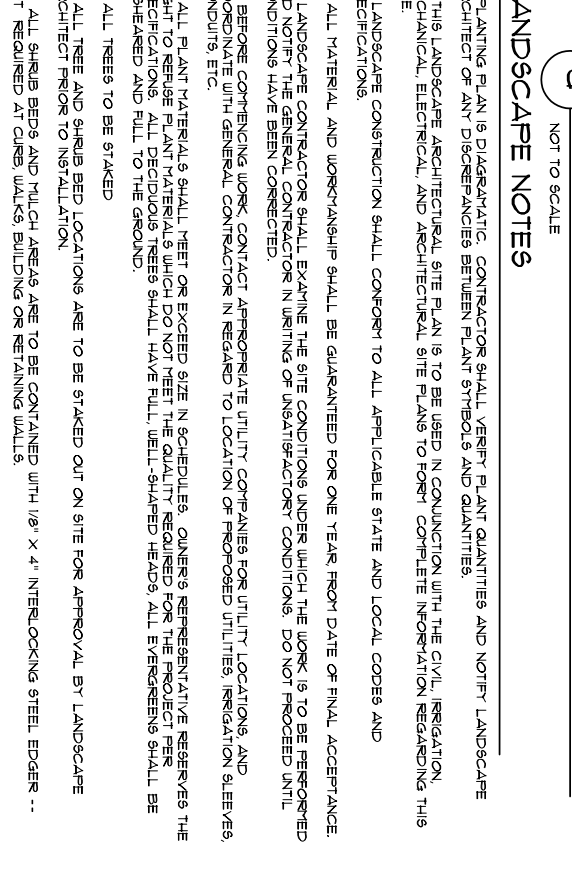
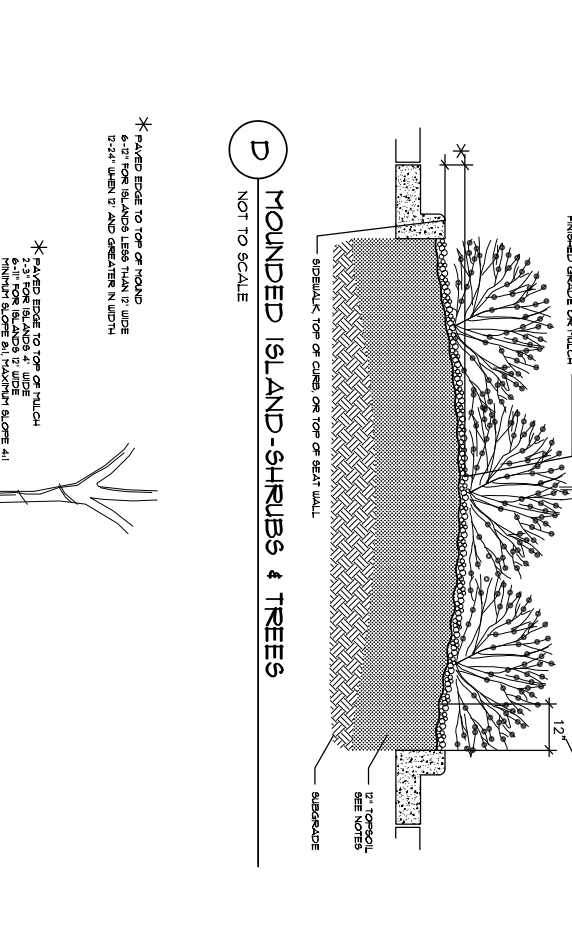
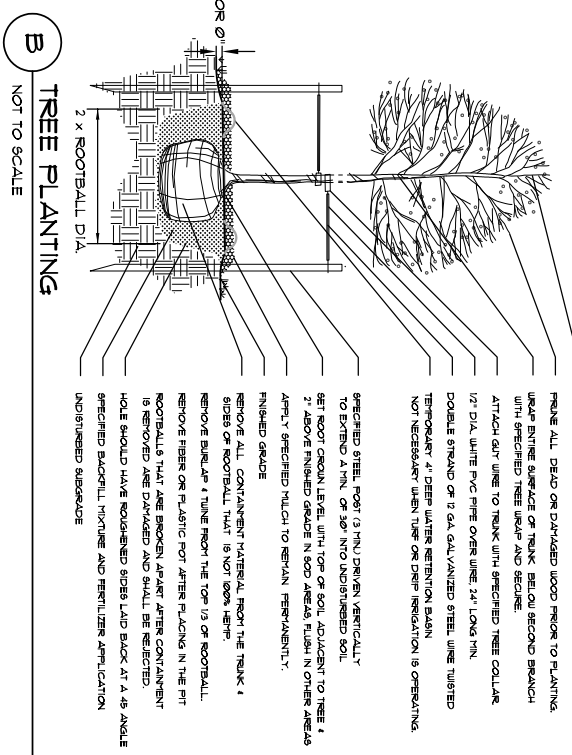
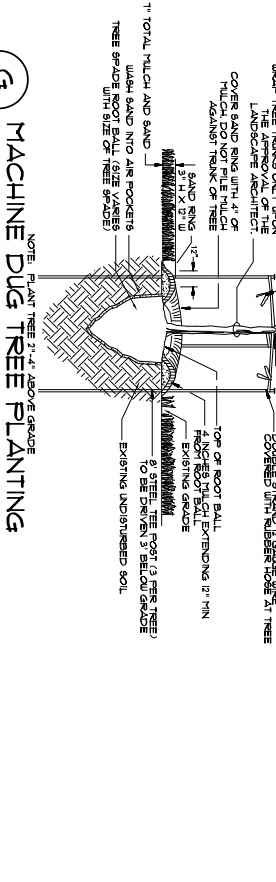
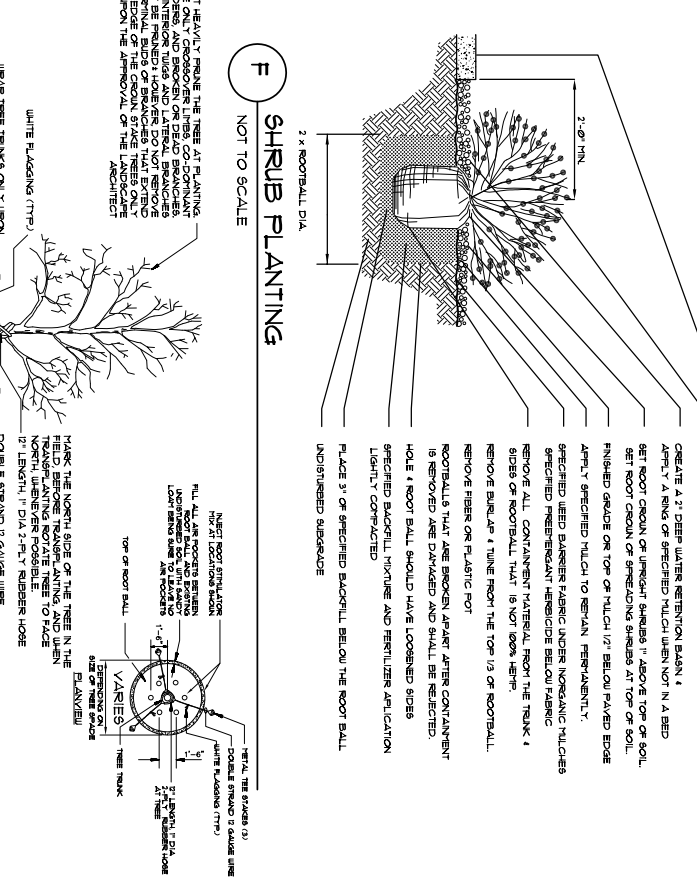
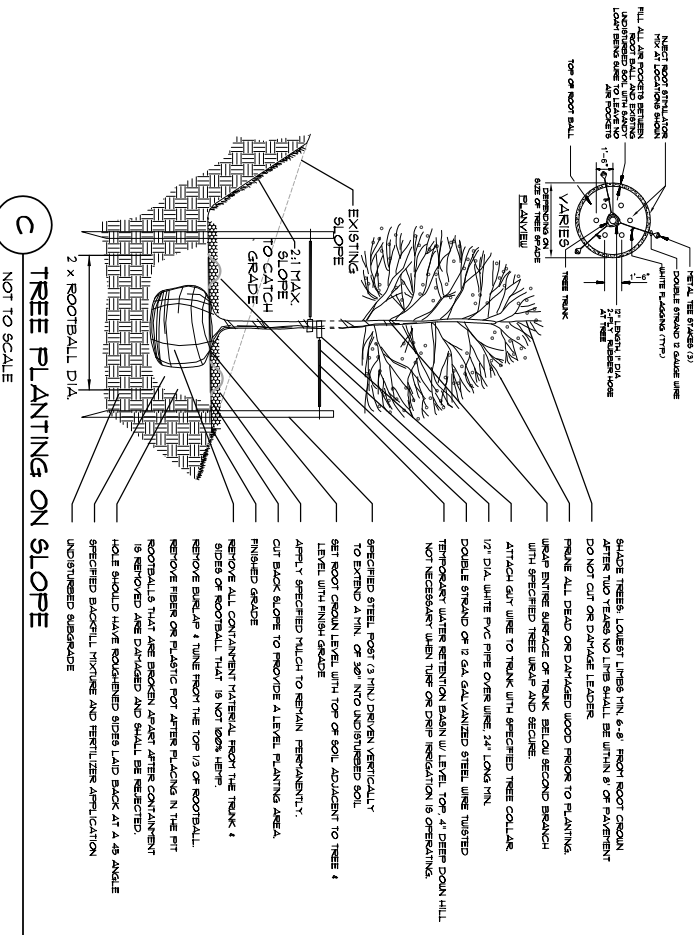
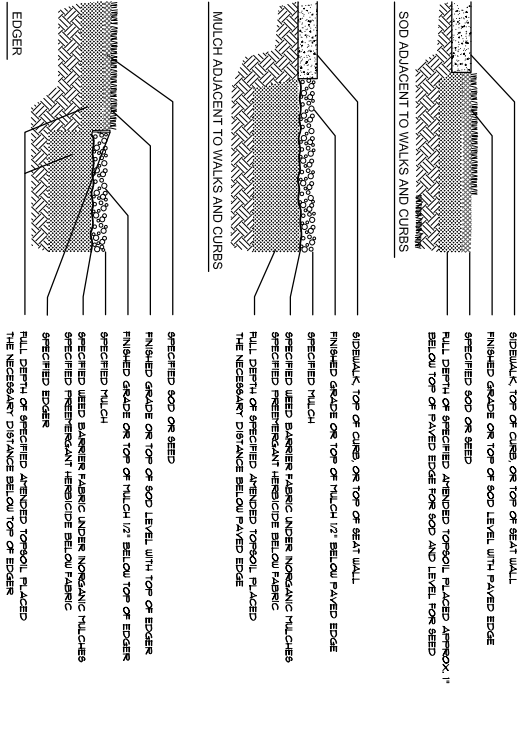
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SHEET
C2 OF 11

Attachment:

2

Wasatch Office
Landscape Plans



CALL BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER
801-532-5000
CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR
EXCAVATE. IT'S THE RESPONSIBILITY
OF THE CONTRACTOR TO LOCATE
UNDERGROUND MEMBER UTILITIES.

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR
RECORD OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON
MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED
ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL
UTILITY COMPANIES TO LOCATE ALL UTILITIES. IT SHALL BE THE
RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES
WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

E
NOT TO SCALE

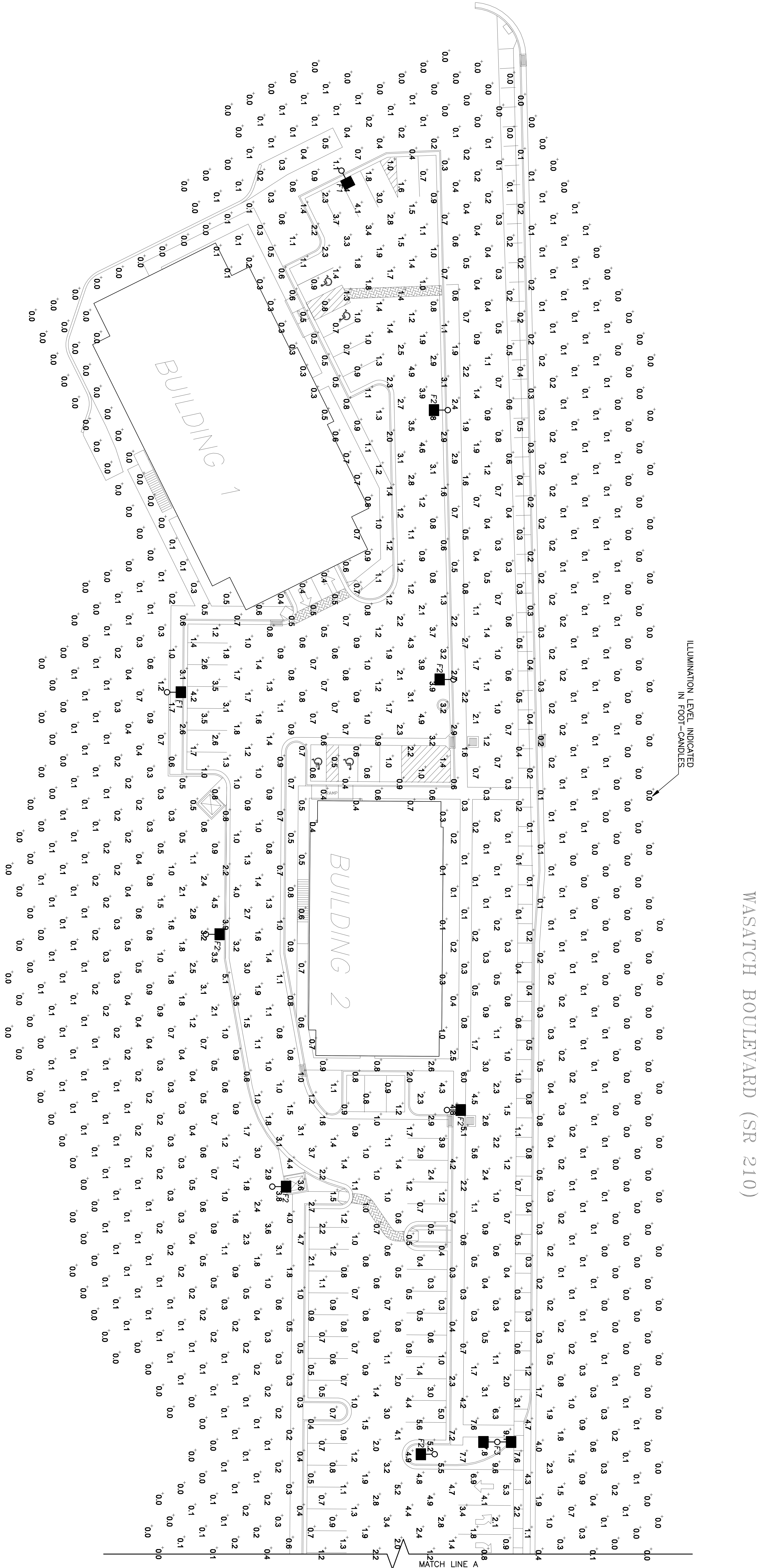
MOUNDED ISLAND - TURF

- LANDSCAPE NOTES**
1. PLANTING PLAN IS DIAGNOSTIC. CONTRACTOR SHALL VERIFY PLANT QUANTITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES BETWEEN PLANT SYMBOLS AND QUANTITIES.
 2. THIS LANDSCAPE ARCHITECTURAL SITE PLAN IS TO BE USED IN CONJUNCTION WITH THE CIVIL, IRRIGATION, MECHANICAL, ELECTRICAL, AND ARCHITECTURAL SITE PLANS TO FORM COMPLETE INFORMATION REGARDING THIS SITE.
 3. LANDSCAPE CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES AND SPECIFICATIONS.
 4. ALL MATERIAL AND WORKMANSHIP SHALL BE GUARANTEED FOR ONE YEAR FROM DATE OF FINAL ACCEPTANCE.
 5. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
 6. BEFORE COMMENCING WORK, CONTACT APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS, AND COORDINATE WITH GENERAL CONTRACTOR IN REGARD TO LOCATION OF PROPOSED UTILITIES, IRRIGATION SLEEVES, CONDUITS, ETC.
 7. ALL PLANT MATERIALS SHALL MEET OR EXCEED SITES IN SCHEDULES. OWNERS REPRESENTATIVE RESERVES THE RIGHT TO REUSE ANY PLANT MATERIALS THAT DO NOT MEET THE QUALITY STANDARDS FOR THE PROPOSED SITES. UNHEALED AND FILL TO THE GROUND.
 8. ALL TREES TO BE STAKED
 9. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION
 10. ALL SHRUB BEDS AND MULCH AREAS ARE TO BE CONTAINED WITH 1/8" X 4" INTERLOCKING STEEL EDGER -- NOT REQUIRED AT CURBS, WALKS, BUILDING OR RETAINING WALLS.
 11. INSTALL 4-INCHES OF CEDAR BARK MULCH IN ALL SHRUB BEDS. MULCH TO BE LOCALLY AVAILABLE. APPLY SPECIFIED OR APPROVED PRE-EMERGENT HERBICIDE IN ALL SHRUB BEDS 10 DAYS PRIOR TO ANY IRRIGATION OR PLANTING WORK.
 12. ALL BAR PLANT MATERIAL SHALL HAVE ALL WIRE, TUNE OR OTHER CONTAMINANT MATERIAL, EXCEPT FOR THE BUILDUP REMOVED FROM THE TRUNK AND ROOT BALL OF THE PLANT PRIOR TO PLANTING. REMOVE THE TOP 2/3 OF THE BUILDUP AFTER PLACING THE PLANT IN THE PIT.
 13. TOPSOIL: DISTRIBUTE STOCKPILED TOPPOIL TO A MINIMUM DEPTH OF 6" (6") INCHES IN TURF AREAS AND TWELVE (12) INCHES IN SHRUB BEDS.
 14. PLANTING MIX SOIL PREPARATION: SCHEDULE OF SOIL MIXES AND SOIL AMENDING FOR VARIOUS PROJECT AREAS ARE LISTED BELOW.
 15. A SOODRED SEEDBED AND SHRUB BED AREAS. SHALL RECEIVE HIGH QUALITY COMPOST. THIS ORGANIC MATERIAL SHALL HAVE AN ACIDITY IN THE RANGE OF PH 5.5 TO 6.5 AND NOT EXCEED 3 mmph 5% CLAY CONTENT AND SHALL HAVE 80% ORGANIC CONTENT. THE APPLICATION RATE SHALL BE FOUR (4) CUBIC YARDS PER 1000 SQ. FT. IN SOI AND SEED AREAS AND FIVE (5) CUBIC YARDS PER 1000 SQ. FT. IN SHRUB BED AND GROUND COVER AREAS.
 16. BACKFILL FOR TREES, SHRUBS, PERENNIALS AND GROUNDCOVERS. SHALL CONSIST OF 75% HIGH QUALITY COMPOST AND 25% SITE SOIL. FERTILIZER FOR PLANT BACKFILL SHALL BE TRIPLE SUPERPHOSPHATE (0-46-0) AND SHALL BE APPLIED ACCORDING TO MANUFACTURERS RECOMMENDATIONS.
 17. NO TREES ARE TO BE PLANTED WITHIN WATER AND/OR SANITARY SEWER EASEMENTS OR WITHIN 10 FEET OF WATER METER PITS OR FIRE HYDRANTS.
 18. TREES PLANTED ADJACENT TO PUBLIC ROADS AND/OR PEDESTRIAN WALKWAYS WILL BE PRUNED TO 1" HEIGHT CLEARANCE ABOVE PAVEMENT.

Attachment:

3

Wasatch Office
Lighting Plans



WASATCH BOULEVARD (SR 210)

ELECTRICAL SITE PLAN - LEFT

SCALE: 1" = 20'

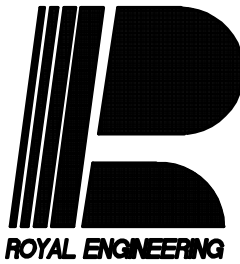
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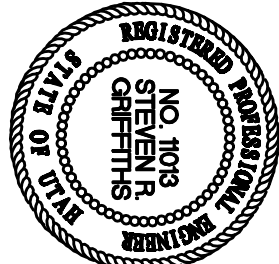
WASATCH PROFFFESIONAL
OFFICE PARK

7800 S. 2300 E.

SLC, UTAH



Royal Engineering
2335 S. STATE, STE. 225
Provo, UT 84606
(801) 375-2228

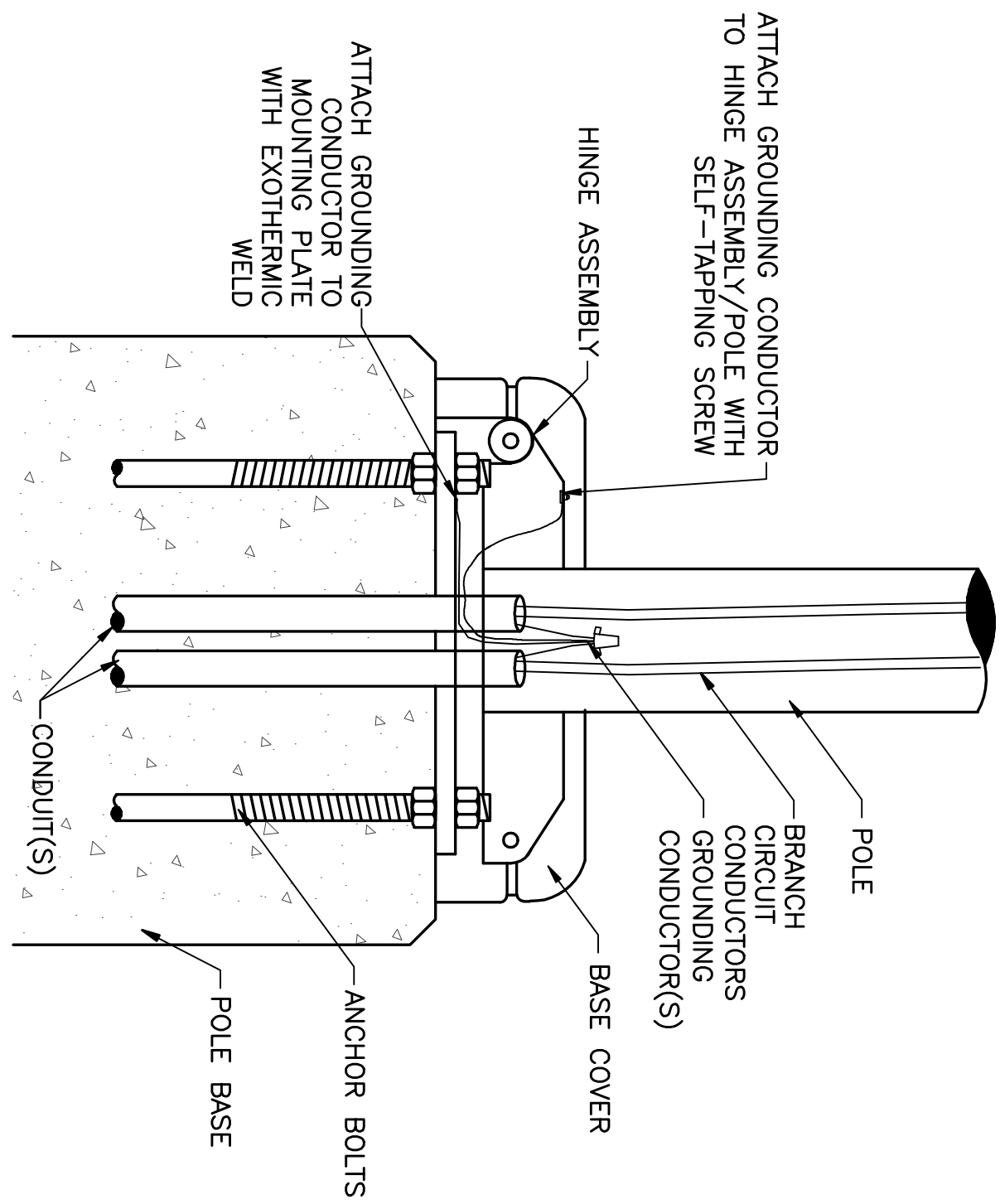
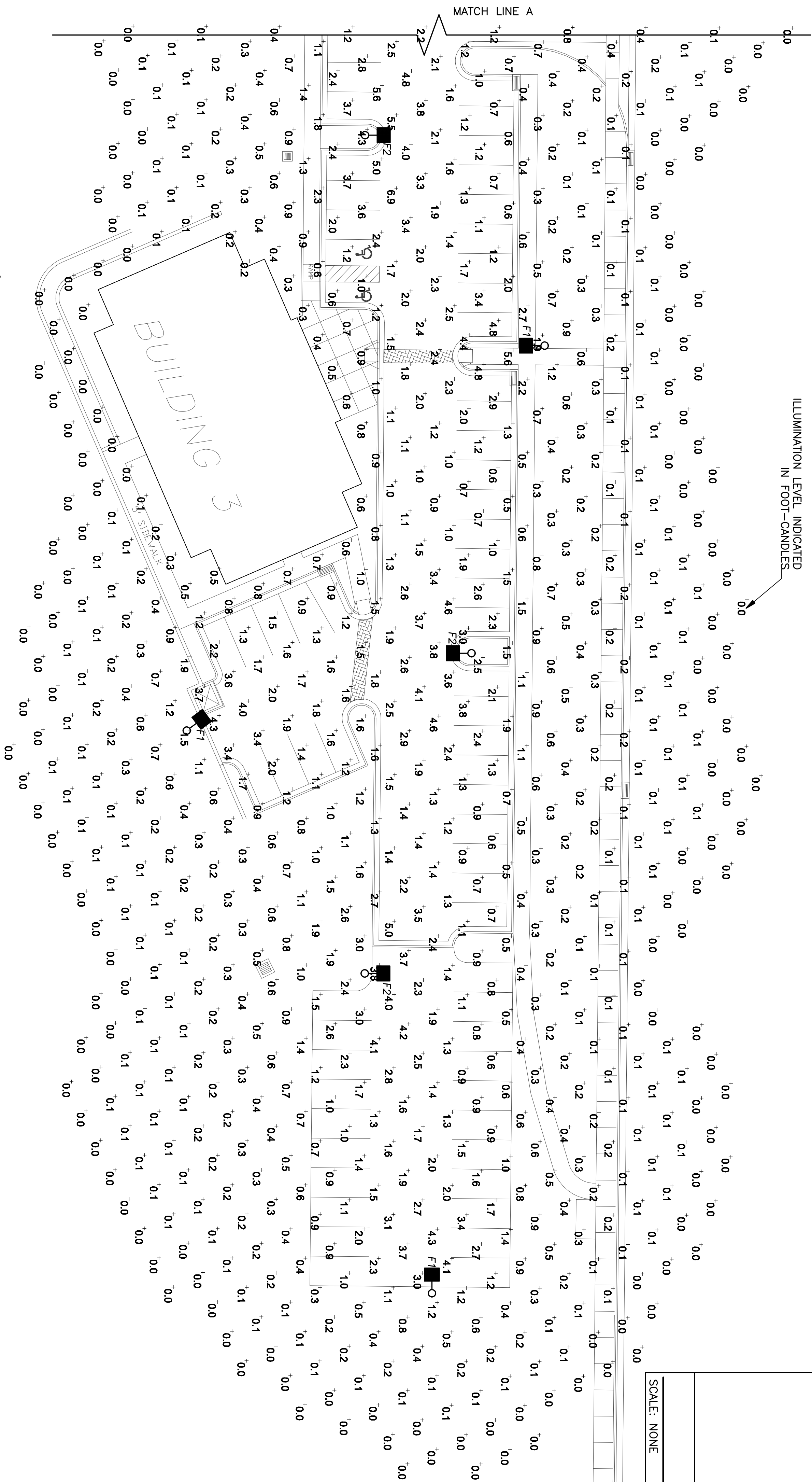


Date: SEPT 2007
Revision:
Job No: J04205

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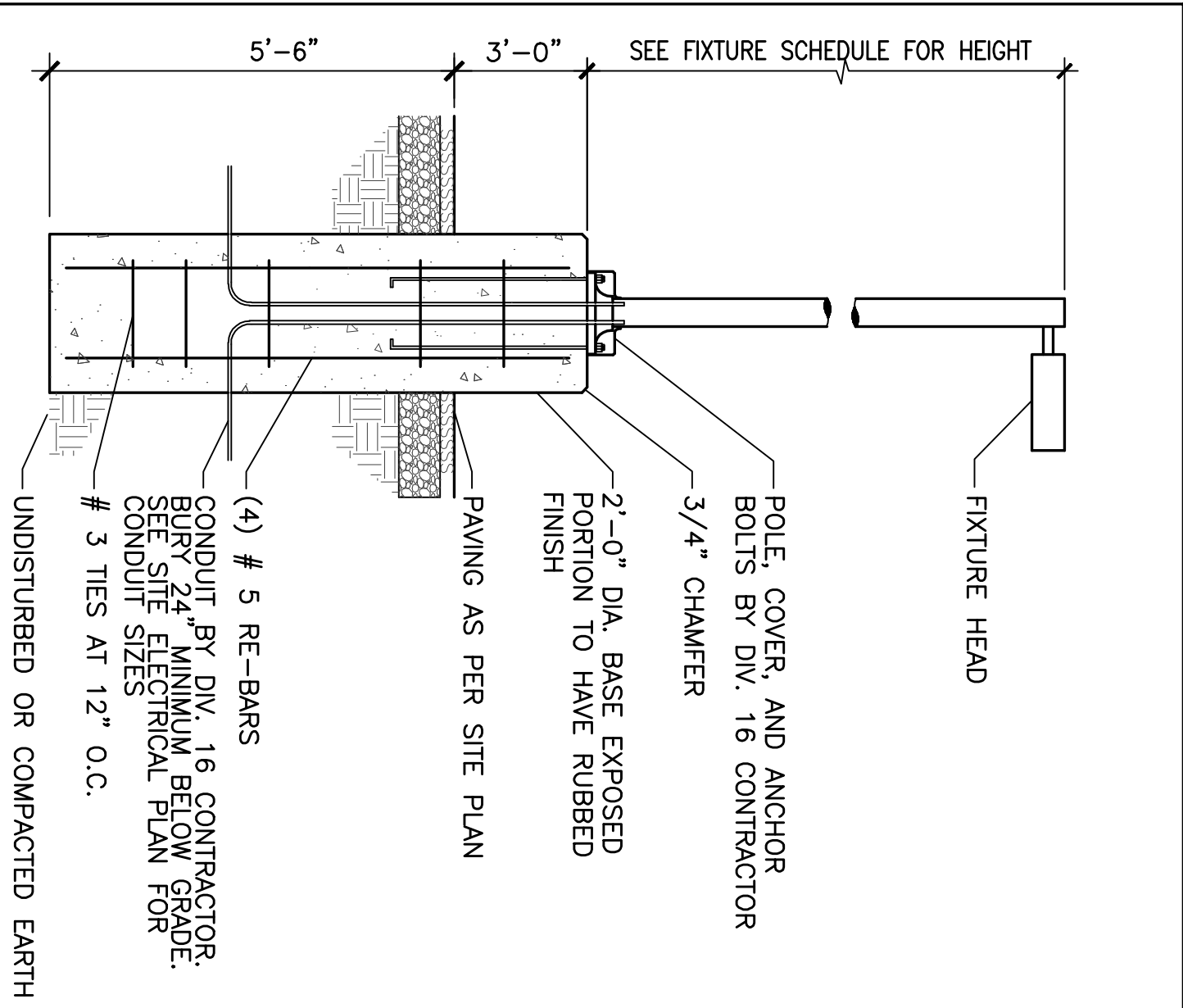
E0.1

SITE LIGHTING FIXTURE SCHEDULE														
PART #	MANUFACTURER	CATALOG #	FOOTC	VOLTS	AMPS	WATTS	MOUNTING	LUMENS		MANUFACTURER	HEIGHT	CATALOG #	REMARKS	
								TYPE	SYNCH					
80	US ARCHITECTURAL	LMH-SECT-4-250MA-1M-1-3	TBD				POLE	250W MH	1	US ARCHITECTURAL	25	SHTS-285-F-4-SCBA		
81	US ARCHITECTURAL	LMH-SECT-4-250MA-1M-1-3	TBD				POLE	250W MH	1	US ARCHITECTURAL	25	SHTS-285-F-4-SCBA		
82	ARCHITECTURAL	LMH-SECT-4-250MA-1M-1-3	TBD				POLE	250W MH	1	ARCHITECTURAL	25	SHTS-285-F-4-SCBA		
83	HOLOPHANE COTTON WOOD HEIGHTS (1) 250W MH (1) 2													



POLE LIGHT GROUNDING DETAIL

SCALE: NONE



POLE BASE DETAIL

SCALE: NONE

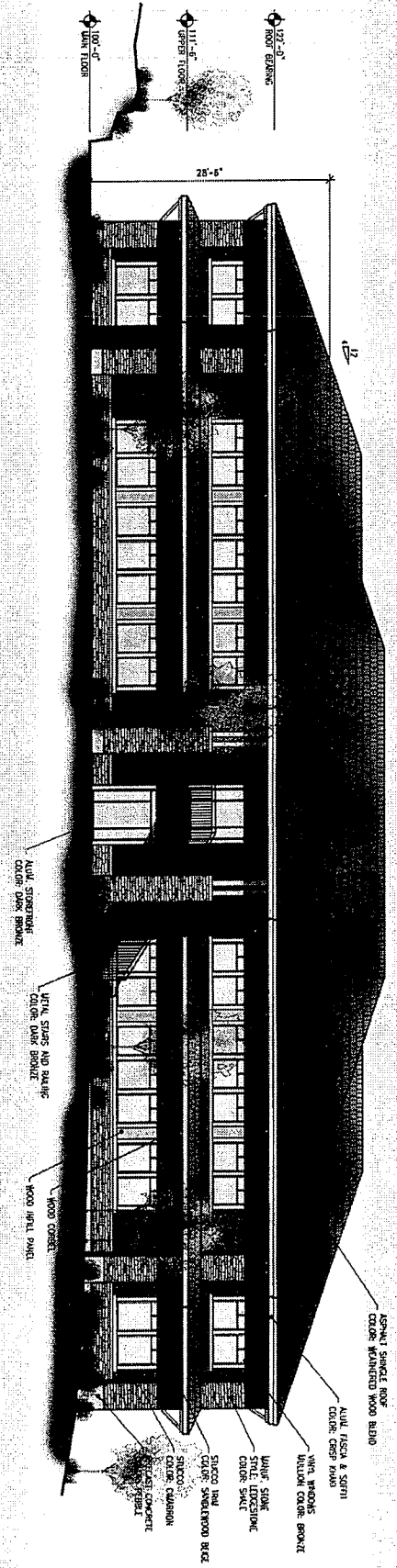
Attachment:

4

Wasatch Office
Architectural Plans



WEST ELEVATION



EAST ELEVATION

black
and
barnes

725 E. 6th Ave
Salt Lake City
801.532.494

Architect
drawing
& model
shown
in part w/
brick &
brick

CON

Uah Pct
662
Salt

date:
issue:
project

wa:
cot
775
cotb

bu
ele
A

and PARTNERS
black

architectural design studio

726 E. 6th Avenue
Salt Lake City, UT 84103
801.532.4040

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CONSTRUCTION

OWNERS

Utah Property Development, Inc.
6629 South 1300 East
Salt Lake City, UT 84121
(801) 365-3290

contractor

RIMROCK

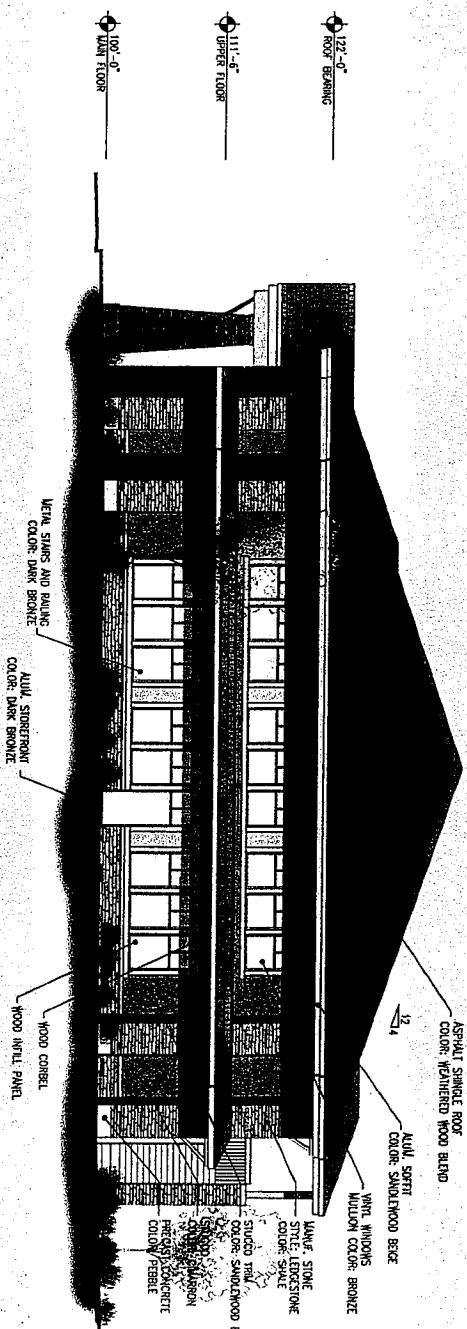
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issuance: ARC Review
project no.:

Project

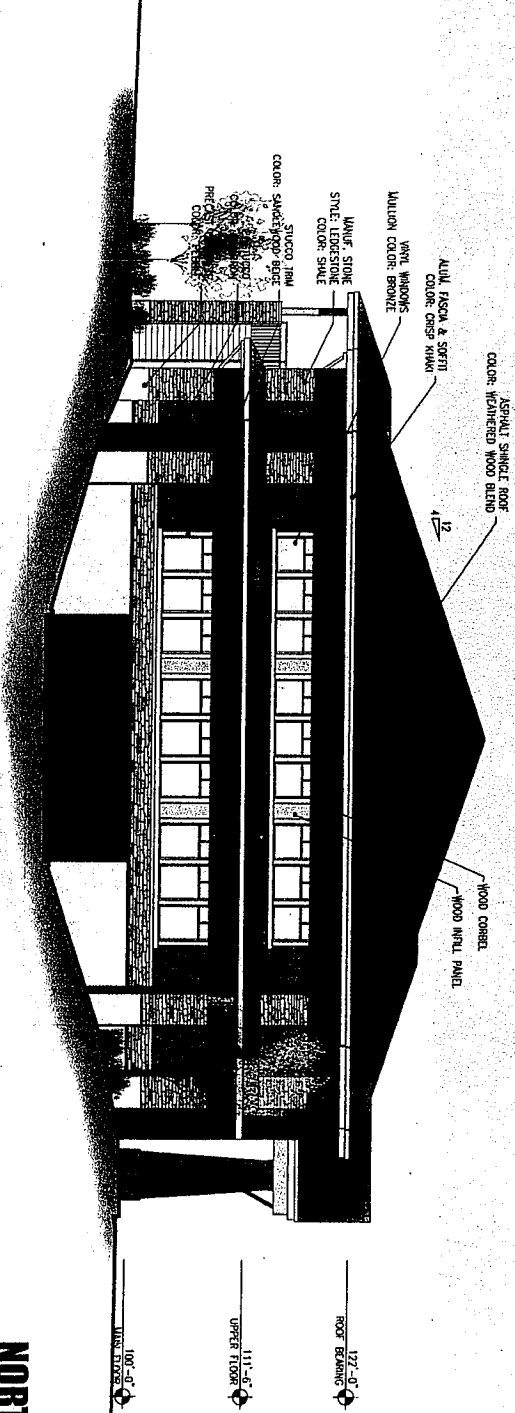
**wasatch office
complex**
7755 S. Wasatch Blvd.
cottonwood heights, ut

building one
elevations

AE201b



SOUTH ELEVATION



NORTH ELEVATION

ASPHALT SHINGLE ROOF

COLOR: WEATHERED WOOD BLEND

VANT WINDOWS

MALIBU COLOR: BRONZE

ALUM. FSCA & STEEL
COLOR: CRISP KHAKI

WALL: STONE

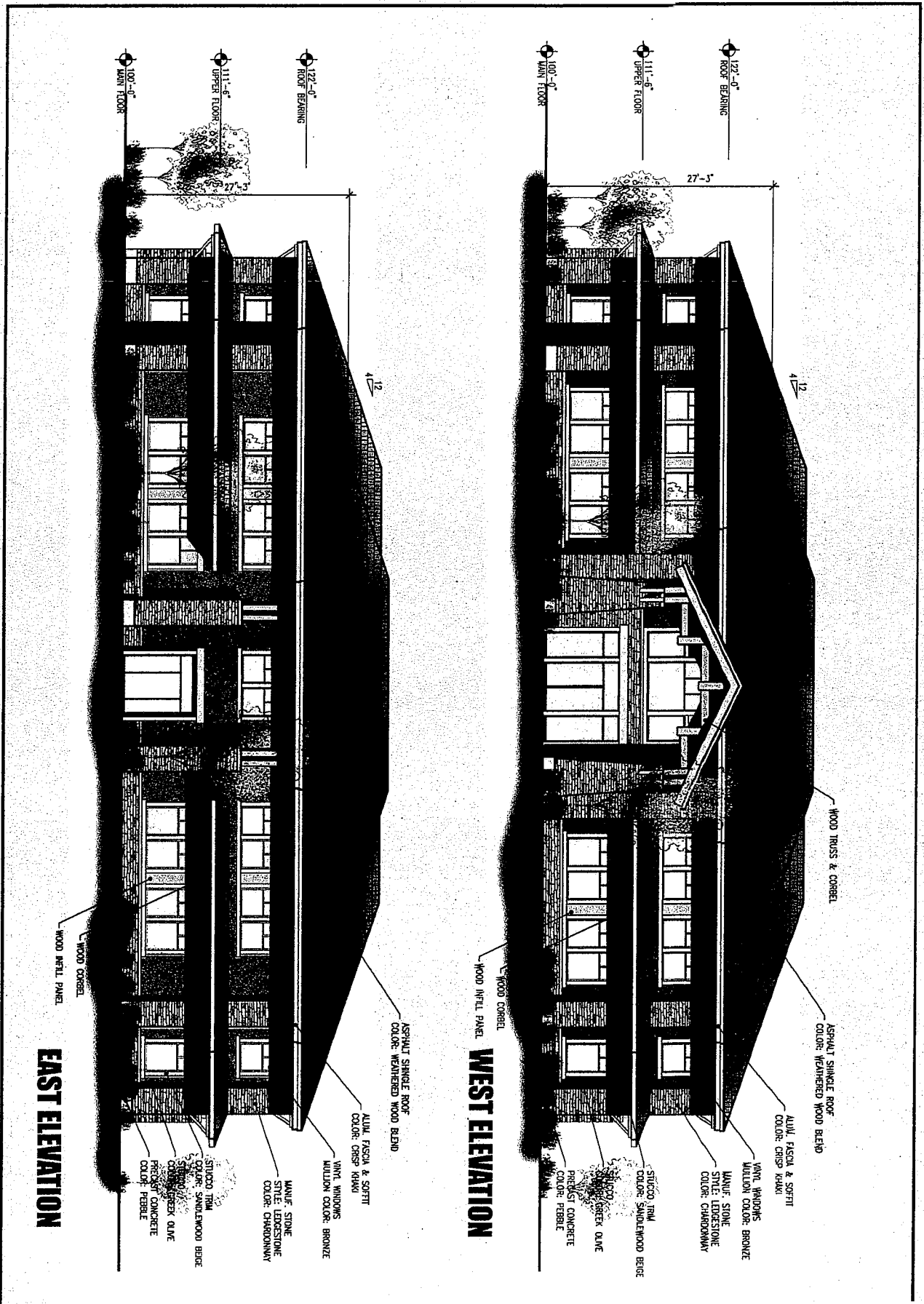
STONE LEICESTER
COLOR: SHALE

STRUCT. IRON

COLOR: SANDYWOOD BLEND

122'-0"
ROOF BEARING

111'-6"
UPPER FLOOR



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801.532.4940

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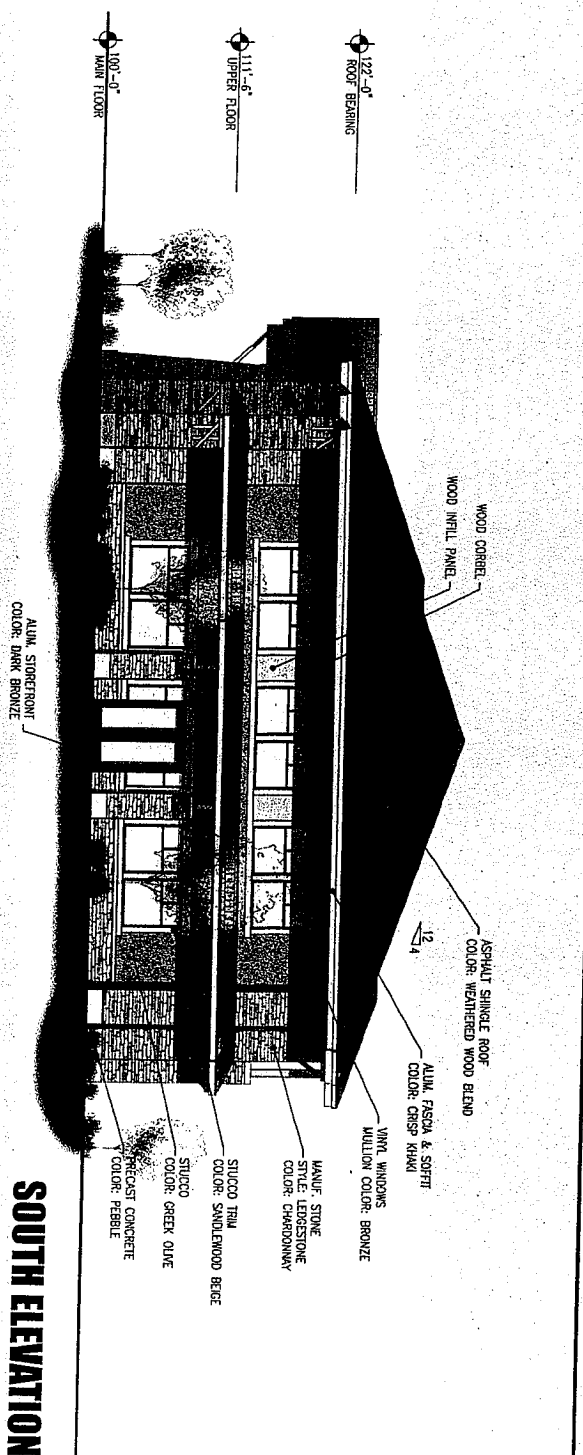
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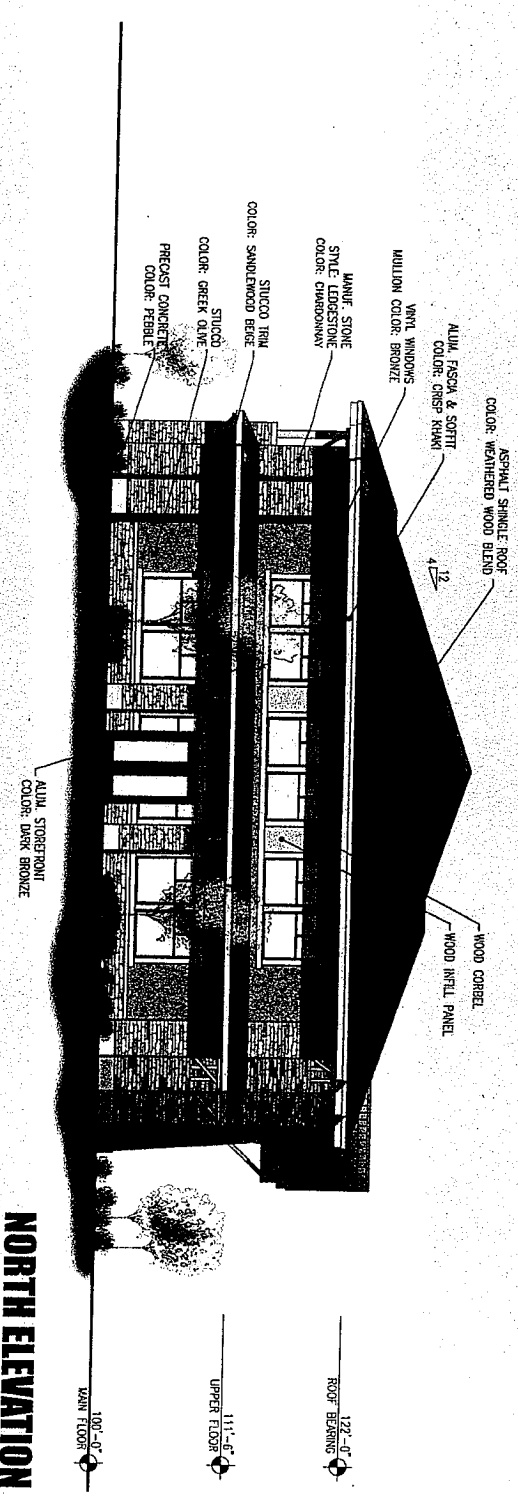
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wasatch office
complex
7755 S. Wasatch Blvd.
cottonwood heights, ut

building two
elevations
AE202a



SOUTH ELEVATION



NORTH ELEVATION

blalock
and
PARTNERS

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CONTRACTOR

RIMROCK
date: 27 Sept 2007
Issuance: ARC Review
Project no.:
Project

**wasatch office
complex**
7755 S. Wasatch Blvd.
Cottonwood Heights, UT

building two
elevations
AE2026

architectural design studio

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contractor

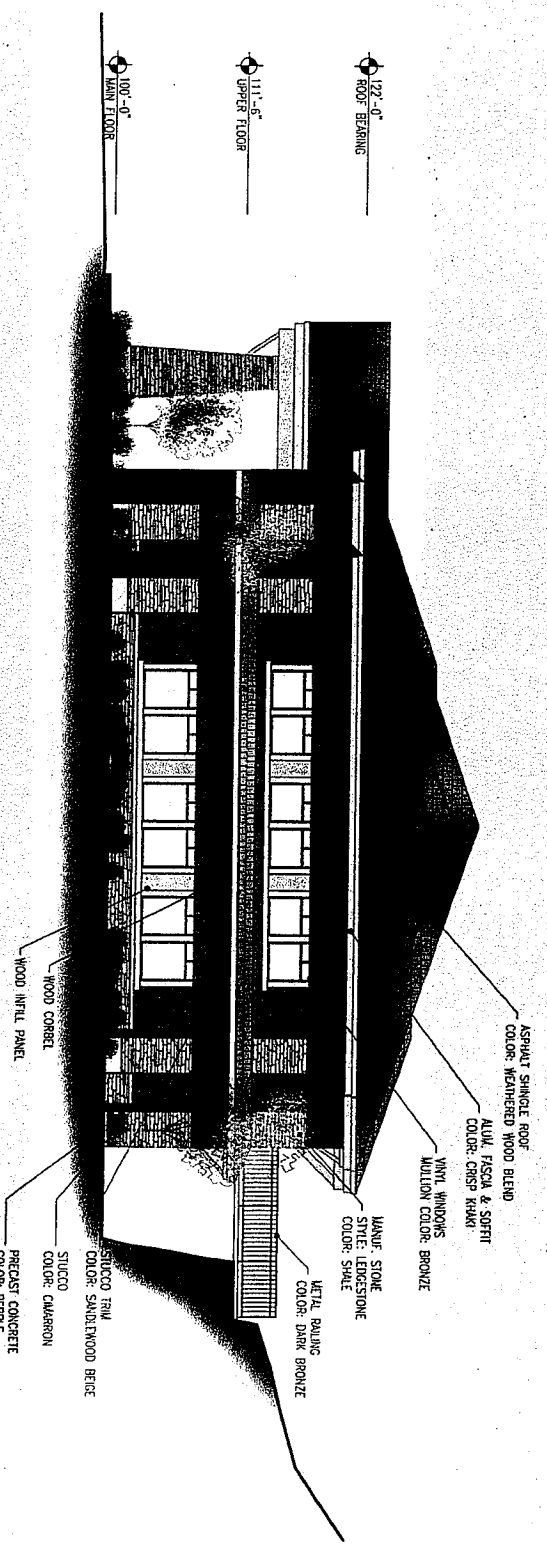
RIMROCK

date: 27 Sept 2007
issuance: ARC Review
project no.: project

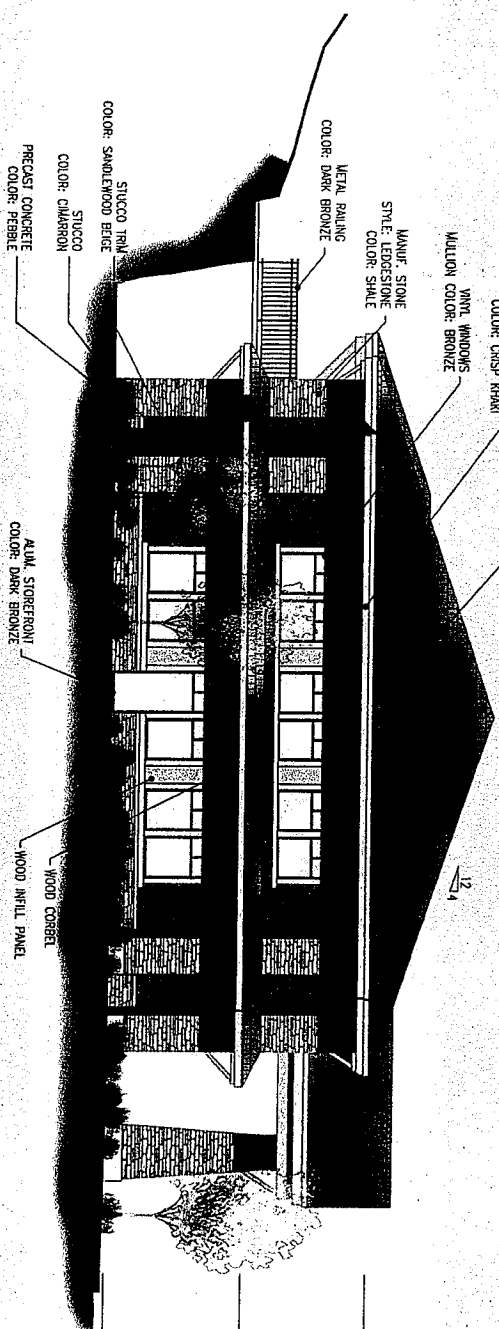
wasatch office
complex
7755 S. Wasatch Blvd.
cottonwood heights, ut

building three
elevations

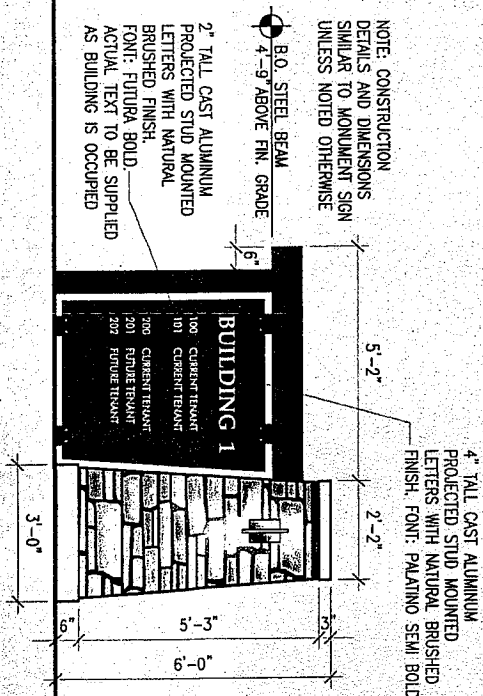
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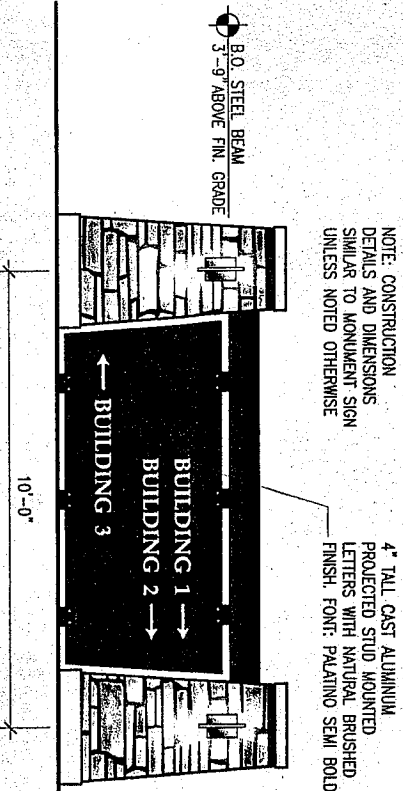
SOUTH ELEVATION



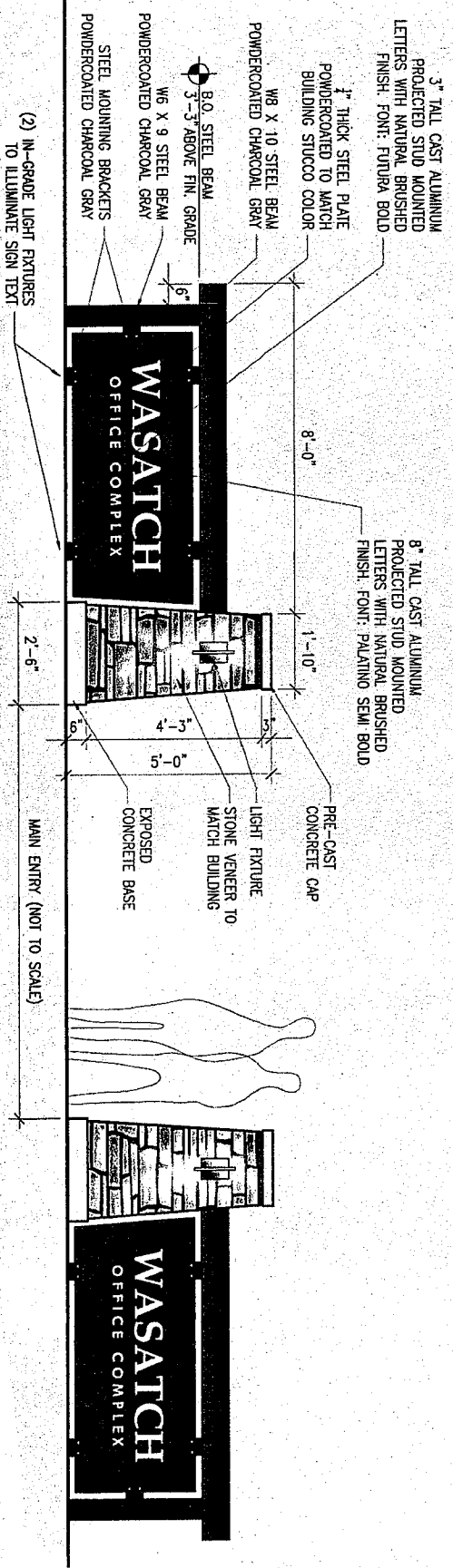
NORTH ELEVATION



building tenant sign **B4**



directional sign **B5**



monument sign **A5**

blalock
architectural design studio
720 E. 6th Avenue
Salt Lake City, UT 84103
801.527.4910

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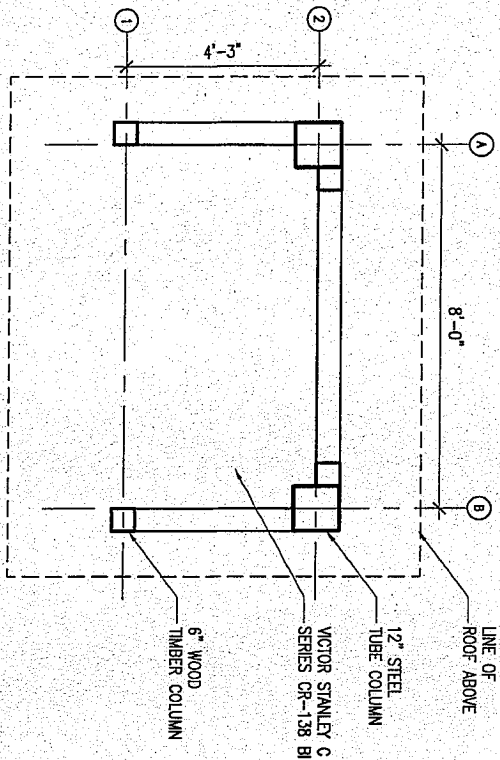
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6629 South 1300 East
Salt Lake City, UT 84121
(801) 365-3290

contractor
PIMROCK
CONSULTANTS

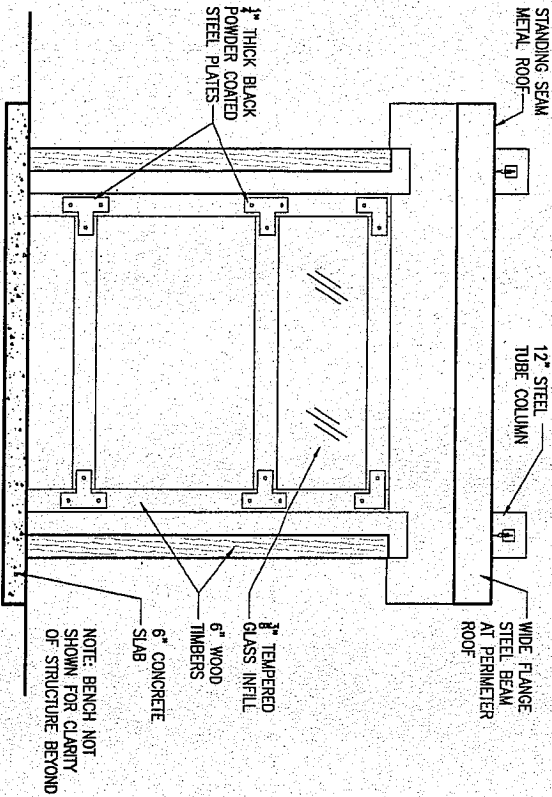
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revision: ABC Review
project no.:
project

wasatch office
complex
7755 S. Wasatch Blvd.
Cottonwood Heights, UT

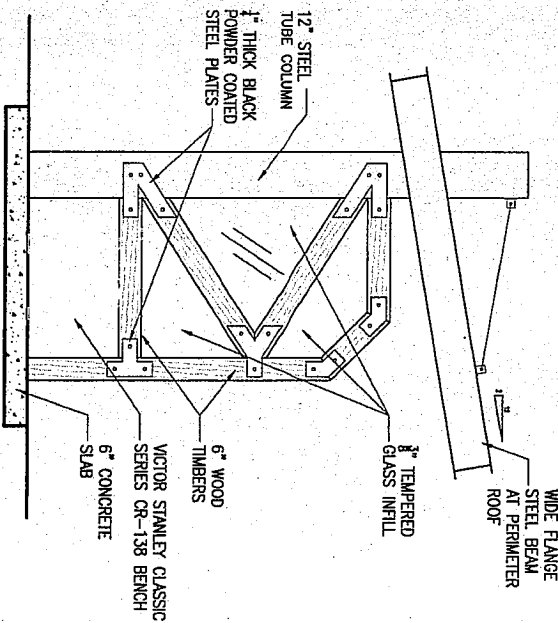
signage
AS501



bus shelter plan **B4**
Scale: 3/8" = 1'-0"



bus shelter front elevation **A4**
Scale: 3/8" = 1'-0"



bus shelter side elevation **A5**
Scale: 3/8" = 1'-0"

black
PARKING

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Salt Lake City, UT 84103
801.532.6940

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CONSTRUCTION

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issuance: ARC Review
project no.:
project

wasatch office
complex
7755 S. Wasatch Blvd.
Cottonwood Heights, UT

bus shelter
AS502

Attachment:

5

Copy of UDOT
Conditional Approval



State of Utah

ION M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

August 3, 2007

Bill Bang
6629 South 1300 East
Cottonwood Heights, Utah 84121

Dear Mr. Bang:

Thank you for the request for access at 7755 South Wasatch Blvd. (SR-210) for the Wasatch Office Complex project in Cottonwood Heights, Utah. The Utah Department of Transportation Region 2 Staff has reviewed the request and will grant approval with the following conditions:

1. Relocate the merge sign for the North Bound traffic on SR-210 per UDOT Standard drawings (ST series).
2. Per our last meeting you said you were going to install a bike lane throughout your frontage onto SR-210. If in fact you will be installing the bike lane remove the note future bike path and complete the bike path on the north end of the property per the MUTCD and UDOT Standards.
3. Sheet C7 - Call out 'typical gap' for decel/accel lanes. Refer to Std Dwg series DD. Also, call out decel/accel lengths as well as 3/4 "D" as shown on drawings. Provide taper for accel lane and tie-in to existing edge line. Plans show a lane width of 24' for a single NB travel lane.
4. A review fee of \$750.00.

When the requested information has been submitted, we will review your application and make any recommendations for modifications to the plans. We will need approximately two weeks review time. Until the plans are approved, no permits will be issued.

If you have any questions regarding this project, I would be happy to discuss them with you. Please call me at (801) 975-4810. We appreciate your cooperation.

Sincerely,

for Mark Velasquez
Right of Way Control Coordinator

H:\Access Roads\Correspondence\2007\SR 210\Wasatch Office Complex 7755s 8-2-07.doc

Attachment:

6

City Geologist
Recommended Conditions

December 27, 2007

Cottonwood Heights City
c/o Mr. Brad Gilson, PE
12401 South 450 East, Unit 2
Draper, UT 84020

**Subject: Report Reviews for
Proposed Wasatch Office Complex
Western Geologic Report, December 3, 2007
Cottonwood Heights, UT**

Dear Brad,

IGES Ingenieros, LLC (IGES) has completed its review of the subject report as well as a review of all previous submittals and response letters. The purposes for the most recent report were to address concerns raised in our original review letters and in the Simon-Bymaster review of the project work, summarized in a letter dated October 30, 2007.

As referenced on page 2 of the subject report, a meeting was held November 26, 2007 at Cottonwood Heights City offices to discuss additional work required to address concerns raised by Mr. Simon and unresolved items from previous IGES reviews. It is our understanding that Western Geologic's scope of work was based on discussions held in this meeting.

Mr. Charles Payton present at the November 26, 2007 meeting agreed to sign all of the 2004 AMEC reports as the Geologist of Record. It is our understanding that Mr. Payton was in fact involved in and completed a large portion of the work for these studies. These signatures were to fulfill the request made in our review letter of March 8, 2006 and reiterated in the Simon letter as Item 1 – Professional Responsibility. To date, these final signed and stamped reports have not been provided to the City. **As a condition (Condition 1) of preliminary approval IGES recommends that these final stamped letters/reports for all of the previous work used in defining the fault hazards be received by the City for review prior to final approval.**

In our March 8, 2006 letter, IGES questions the accuracy of the earlier trench locations and fieldwork in relation to the more recent work completed by AMEC and Western Geologic. Mr. Simon reiterated this concern as Item 2 of his letter. In our meeting of November 26, 2007 Mr. Gordon discussed that all of the trenches used in the fault setback definitions had been surveyed with the exception of Trench T-2 of the 1996 AGRA report. It should be noted that on page 9 of the AMEC (2004) report it states "*The locations of the trenches and faults identified in this study were surveyed by Larsen & Malmquist, Inc.*" Western Geologic completed an additional trench in their 2007 study (Trench T-3) just north of the AGRA (1996) T-2 that overlapped the western end of the Western Geologic (2006) Trench T-2. Western Geologic (2007) used Trench T-3 to confirm the data in the AGRA (1996) Trench T-2 log and provided a trench excavation

that could be surveyed so the information could be used in their fault setback assessment. IGES has not received confirmation that the location of Trench T-3 has been in fact surveyed, nor have we had an opportunity to review the final fault setback map that contains the survey data. Additionally, on page 4 of the Western Geologic report titled "Surface Fault Rupture Hazard Evaluation Part 2" and dated December 3, 2007 it states *"Locations of the trenches are shown on Figure 2, and were preliminarily located using a hand-held GPS unit accurate to within 3 meters (10 feet). It is our understanding that the trenches will be surveyed, and Figure 2 can be revised as needed if locations differ."* IGES has received and reviewed a preliminary version of the fault setback map as Figure 2 of the Western Geologic reports. **As a condition (Condition 2) of preliminary approval IGES recommends that the final fault setback map be provided to the City for review to confirm the data previously reviewed by the City prior to final approval. This final setback map should use the survey data from AMEC (2004), Western Geologic (2006), and Western Geologic (2007) to locate trenches on the map and allow for accurate delineation of fault setback areas. A statement that all trenches used to delineate fault setback areas were surveyed by a licensed land surveyor should accompany the final fault setback map. This fault setback map should be a full size survey-grade site plan signed and stamped by both a licensed geologist and a licensed surveyor showing trench, fault, and proposed building locations and should be tied to section monuments with appropriate bearings and distances. No portions of proposed building footprints should be shown within any portion of the site designated on the fault setback map as within a setback area.**

With respect to Item 3 of the Simon review, Mr. Simon states the following, "The GSH (2006c) fault map is highly suspect in regards to how the various faults are delineated." He goes on to itemize the various reasons for this statement. Western Geologic's response to these items are located on pages 2 and 3 of the 2007 report. We concur with Western Geologic's statements as listed by the items that follow:

- a) It is not uncommon in the industry to map faults as dashed where they are inferred and solid where actual exposures are mapped. This is the same criteria used by Western Geologic in their report presentation. It is not an indication of the faults being "...approximately located" as Mr. Simon refers to it. Surface fault rupture splays are typically mapped from trench to trench with faults being inferred between trench exposures using professional judgments and interpretations, which is how Western Geologic mapped the fault traces in this study.
- b) Mr. Simon states the following, *"...crossing faults near building location 2, which is in our opinion highly questionable from a geologic perspective and once again casts serious doubt on the accuracy and understanding of the location of the various fault traces."* It should be noted that faults F2a and F2b are shown to splay apart approximately 80 feet east of the proposed building 2 location and are mapped crossing each other approximately 150 feet north northeast of the proposed building 2 location on the Western Geologic (2007) Figure 2. Western Geologic notes that they have encountered crossing fault traces at other locations of the Wasatch Fault, IGES in practice

may not have mapped the fault splays at the site precisely as shown on Figure 2 of the Western Geologic report however, we do concur with Western Geologic's statement that crossing faults do not "cast doubt" on the accuracy or understanding of the fault locations. A single interpretation of a fault splay orientation in one trench does not necessarily reflect on the accuracy of the totality of the geologic fieldwork and interpretations in an entire fault investigation and Mr. Simon's statement extends beyond a professional comment to an open criticism. Mr. Simon's view is not necessarily nor should it be interpreted as an accepted standard of care but rather a professional opinion. Western Geologic's interpretation of the orientations of faults F2a and F2b is considered by IGES to be reasonable. .

- c) Mr. Simon states that AF1 and F-1 are based on one trench and on the orientation of the fault measured in the trench. We concur with his concern. When reasonable at least two trenches should be used to define the location of a fault. Western Geologic completed an additional trench (Trench T-4) to address this concern as a part of their 2007 study. With respect to Trench T-4, Western Geologic states, "*The observed fault location appeared to correlate well with measured trend in AMEC's (2004) Trench T-2...*" Trench T-4 confirmed the locations of faults AF1 and F-1 and was necessary in defining the trend of these mapped faults in this portion of the site.

One of Mr. Simon's main concerns was the lack of depth that the trenches extended to both in the AMEC (2004) study and the Western Geologic (2006) study. Mr. Simon states the following, "*In our opinion several of the trenches were not excavated to a sufficient depth to properly evaluate the site for surface fault rupture hazard potential. AMEC (2004) T-2 and T-3 and GSH T-1 and T-2 (2006c) were excavated to a maximum depth of about 8 feet and did not extend through the Holocene-age sediments.*" Mr. Simon quotes the following with respect to trench depths from the Salt Lake County (2002) Minimum standards for surface fault rupture hazard studies, Appendix A, Geologic Hazards Ordinance "... *trenches must be deep enough to extend below Holocene deposits – generally in the 8 – 12 foot range, but sometimes deeper. In cases where Holocene active faults may be present, but pre-Holocene deposits are below the practical limits of excavation, the trenches must extend at least through sediments inferred to be older than several fault recurrence intervals.*" It should be noted that Mr. Simon also references Christenson and others (2003) (p.7) where the practical depth limit of trenching is defined as generally 15 to 20 feet. One of IGES' major concerns in our original review of the GSH reports was the lack of information submitted for review. The original May 2006 Western Geologic report was not submitted for review by GSH, the developer's consultant. Instead GSH submitted an abridged version of the Western Geologic report as a part of the GSH report titled "Supplemental Fault Study Proposed Wasatch Office Complex 7755 South Wasatch Boulevard Cottonwood Heights, Utah 84121" and dated June 22, 2006. We contacted Western Geologic directly and received both an emailed and printed final copy of the Western Geologic (2006) report (received December 14, 2007). Based on our review of the 2006 report, it is our opinion that Western Geologic made a reasonable effort to resolve the issue of trench depth. During excavation of Trench T-2 two deep potholes (approximately 18 feet) were excavated at

locations 50 to 55 feet and at 114 to 119 feet within the trench to define the limits of the near surface Holocene alluvium encountered in Trench 2. Western Geologic (2006) states, *"The alluvium extends to depths of up to 18 feet in two potholes excavated in the trench..."* They further state, *"The gravel-fill alluvium (unit 3, Figure 5) is presumably mid-Holocene in age and would thus not discount the possibility for earlier Holocene faulting."* They understood the limitations of their investigation and discussed the potential unknowns associated with these limitations. Western Geologic made an effort to define the limits of the alluvium by performing the "pot holes". Western Geologic explains in their 2007 report *"The trench could not expose Lake Bonneville sediments because of their depth (likely more than 20 feet), and instead extended to a prudent depth based on safety concerns and on-site field observations."* Western geologic felt that a trench extending to nearly 20 feet in depth would be unsafe and could likely not be safely logged considering the nature of the sediments exposed in the trench and local site conditions. IGES feels that Western Geologic gave a reasoned argument for the depth of Trench T-2 and demonstrated that this trench did extend at least through sediments inferred to be older than several fault recurrence intervals. We concur with Western Geologic's approach and consider the solution they present reasonable.

An explanation for the depth of the Western Geologic trenches was presented in the reports and discussed in the previous paragraphs of this letter. However, the reasoning for the depths of the AMEC trenches has still not been addressed. AMEC (2004) T-1 was excavated into Bonneville Lake Cycle and was therefore of a suitable depth. Trenches T-2 was excavated generally 6 to 12 feet deep throughout most of its length and T-3 was excavated to a depth of 4 to 12 feet (AMEC, 2004). These two trenches were excavated into Holocene alluvium throughout their depths except on their eastern ends where they encountered some Lake Bonneville Cycle sediments along the fault. **As a condition (Condition 3) of preliminary approval IGES recommends that an additional trench be excavated in the area of Building 1 and Building 2 to a depth of 15 to 20 feet to confirm the findings of the AMEC (2004) and Western Geologic (2006 and 2007) reports in the proposed locations of these buildings prior to final approval. This trench would only need to be excavated east to west across the proposed buildable area to confirm the fault setbacks delineated by Western Geologic. These trenches could be excavated at the time the foundation excavations are excavated however adverse findings could result in a need to redesign or relocate buildings 1 and 2 so IGES recommends that this trench be excavated earlier.**

Western Geologic notes that Trench 1 of their 2006 study encountered material that was older than Holocene and would meet the requirements of a fault trench investigation. No need for additional trench depth was required. Trench 3 of the most recent study also encountered these sediments. IGES reviewed this trench in the field and observed Lake Bonneville Cycle sediments exposed throughout its length east of the exposed fault that displaced Holocene alluvium on the west side of the fault against the Lake Bonneville sediments on the east side of the fault. Trench 2 of the earlier (2006) study encountered 4 colluvial wedges associated with seismic events along this segment of the Wasatch Fault. Western Geologic infers that the 4 stacked colluvial wedges observed in Trench T-2 represent *"...several fault intervals..."* IGES concurs with this interpretation. The

deposits observed by Western Geologic indicate that seismic events deposited colluvial wedge sediments on top of the Holocene deposits observed along the remainder of the length of Trench T-2. No faults were observed displacing the Holocene deposits exposed along Trench T-2 west of the colluvial wedges. The potential for faulting in Holocene deposits underlying the sediments exposed in Western Geologic's Trench T-2 may exist below the depths of the trenches noted; however, it is our opinion that Western Geologic was prudent in its efforts to define both the thickness of the alluvium and to provide a reasoned argument for the lack of faulting of the sediments exposed in Trench T-2 over the past 4 faulting events along the Salt Lake City segment of the Wasatch fault. Once more, we concur with the work and presentation made by Western Geologic and accept that they were prudent in defining the reasons for their trench depths.

In our March 2006 review and in Item 5 of the Simon review a request for professional signatures for all of the reports was made. This item was discussed previously in this review as Item 1.

Mr. Simon notes as Item 6 of his comments "*GSH (2006c) indicates that the northern building is located within their recommended building setback area. In our opinion, project approval should be contingent upon a site plan that is in accordance with the findings of the surface fault rupture hazard study.*" IGES concurs with Mr. Simon's statement. Western Geologic (2006) states "*Given the information observed at the site and the geologic characterizations in this report, the site appears suitable for the conceptual approval of the proposed development. However, insufficient buildable area appears to exist in the northern part of the site for Building 3 under the current site plan (Figure 3). Building 3 will therefore need to be moved, or the building footprint reduced to fit within the buildable area on Figure 3.*" The Western Geologic (2006) T-1 and (2007) trench T-3 were excavated through the proposed footprint of Building 3. These trenches may provide enough data to clear the building footprint for this building. The survey data from these trenches will need to be used to delineate the setback areas adjacent to Building 3 on the fault setback map. It should be noted that to date IGES has reviewed the preliminary fault setback map provided as Figure 2 of their 2007 report but has not been provided with a final fault setback map for review of the setback zones which includes the survey data of the trench and fault locations. **The Condition 2 recommended by IGES previously in this letter also applies to this item.**

Mr. Simon's Item 7 provides a discussion of the meaning of the term "standard of care". IGES has reviewed the Wasatch Office Complex study to assess whether it meets the current standard of care and not simply that it "meets codes" or other local "prescriptive standards".

Item 8 of the Simon review discusses the slope stability of the site. GSH provided a letter titled "Supplemental Discussions Slope Stability" dated April 13, 2007. IGES provided a review of this slope stability letter. The IGES review of this letter is dated May 15, 2007. The IGES review letter accepts the work completed by GSH, however states that some supporting information should still be provided to include in the report file. This supporting information includes slope stability data sheets and laboratory soil strengths

data sheets. As a condition (Condition 4) of preliminary approval IGES recommends that the slope stability data sheets and laboratory soil strengths data sheets associated with the GSH report titled "Supplemental Discussions Slope Stability" and dated April 13, 2007 be provided to the City to include in the report file prior to final approval.

On Page 7 of the Western Geologic report, a fault setback for the AGRA (1996) trench was included. It is our opinion that the more recent Trench T-3 of the report supersedes the information presented in the AGRA (1996) and the trench information should not be used to calculate setback locations. It is the opinion of IGES that the AGRA (1996) data should not be used in determining setbacks for this site but the more recent AMEC (2004) and Western Geologic (2006 and 2007) data should be used. **The Condition 2 recommended by IGES previously in this letter also applies to this item.**

Our March 2006 letter recommended that footing depths be defined as a part of the fault setback calculations. As a condition (Condition 5) of preliminary approval IGES recommends that the fault setback map should include the design depths of footings for clarification purposes prior to final approval.

The preliminary fault setback map provided in the Western Geologic 2007 report (Figure 2) shows the eastern portion of the northern building located in the fault setback zone. **The Condition 2 recommended by IGES previously in this letter also applies to this item.**

Recommendations for Conditions of Preliminary Approval

IGES has identified several deficiencies that still need to be addressed as conditions of preliminary approval prior to final approval. All of these items were highlighted in the text of the document. The major issues are summarized below. IGES recommends that as conditions of preliminary approval and prior to final approval the applicant must:

- 1) Submit final stamped letters/reports for all of the previous work used in defining the fault hazards to the City for review prior to final approval..
- 2) Submit the final fault setback map to the City for review to confirm the data previously reviewed by the City prior to final approval. This final setback map should use the survey data from AMEC (2004), Western Geologic (2006), and Western Geologic (2007) to locate trenches on the map and allow for accurate delineation of fault setback areas. A statement that all trenches used to delineate fault setback areas were surveyed by a licensed land surveyor should accompany the final fault setback map. This fault setback map should be a full size survey-grade site plan signed and stamped by both a licensed geologist and a licensed surveyor showing trench, fault, and proposed building locations and should be tied to section monuments with appropriate bearings and distances. No portions of proposed building footprints should be shown within any portion of the site designated on the fault setback map as within a setback area.

- 3) Excavate an additional trench in the area of Building 1 and Building 2 to a depth of 15 to 20 feet to confirm the findings of the AMEC (2004) and Western Geologic (2006 and 2007) reports in the proposed locations of these buildings prior to final approval. This trench would only need to be excavated east to west across the proposed buildable area to confirm the fault setbacks delineated by Western Geologic. These trenches could be excavated at the time the foundation excavations are excavated however adverse findings could result in a need to redesign or relocate buildings 1 and 2 so IGES recommends that this trench be excavated earlier.
- 4) The slope stability data sheets and laboratory soil strengths data sheets associated with the GSH report titled "Supplemental Discussions Slope Stability" and dated April 13, 2007 be provided to the City to include in the report file prior to final approval.
- 5) The fault setback map should include the design depths of footings for clarification purposes prior to final approval.

Comments and recommendations in this review letter are based on data presented in the referenced Consultants' reports. IGES provides no warranty that the data in the Consultants' reports or any other referenced reports are correct or accurate, and has not performed an independent site evaluation. Comments and recommendations presented in this review letter are provided to aid Cottonwood Heights City in reducing risks from geologic hazards. IGES makes no warranty, either express or implied. All services performed by IGES for this review were provided for the exclusive use and benefit of Cottonwood Heights City; no other person or entity may or is entitled to use or rely upon any of the information generated by IGES as a result of this review.

We appreciate the opportunity we had to provide these services. Please call if you have any questions about the items presented in this letter.

Sincerely,
IGES Ingenieros, LLC

Hiram Alba, PE, PG
General Manager

Tim Thompson, PG
Senior Engineering Geologist

Attachment:

7

City Geologist Letter
Addressing Zone of
Deformations Comments



IGES Ingenieros, LLC
781 West 14600 South, Bluffdale, Utah 84065 ~ T: (801) 501-0583 ~ F: (801) 501-0584

To: Mike Black
Cottonwood Heights Planner

From: Hiram Alba, IGES LLC
Tim Thompson, IGES LLC

Date: December 27, 2007

Subject: Wasatch Office Additional Comments

Some questions have been raised about the proposed Wasatch Office Complex being in the zone of deformation of the Cottonwood section of the Salt Lake City segment of the Wasatch fault zone and if it is appropriate to place structures within the deformation zone of a major fault. The following paragraphs pertaining to deformation zones and the reasoning for setback delineation have been taken from Christiansen and others (2003):

Zones of deformation are common along major fault traces. Such deformation typically consists of multiple discrete displacements on secondary shears and is particularly common in graben floors. The trench investigation must define the zone of deformation, and for sites in a graben, trenches must be excavated perpendicular to the bounding faults across the entire part of the site within the graben....

The purpose of surface-fault-rupture-hazard studies is to use the characteristics of past surface faulting at a site as a scientific basis for providing recommendations to reduce the potential for damage and injury from future, presumably similar, surface faulting. However, performance of these studies and adherence to their recommendations do not guarantee safety because significant uncertainty remains due to our limited understanding of surface-faulting processes, the possibility of future ruptures in previously unfaulted locations, and practical limitations common to investigations....

The most common surface-fault-rupture risk-reduction measure is avoidance using setbacks. Consistent with neighboring western states, most local government ordinances in Utah prohibit placing buildings in positions that straddle Holocene faults (for example, the Salt Lake County Geologic Hazards Ordinance; Salt Lake County, 2002). The UGS concurs with this requirement, and recommends setbacks from Holocene faults for all structures for human occupancy

The purpose of a trenching study and objectives in locating trenches vary depending on the type of development and design phase during which studies are performed. When studies are performed prior to site design, such as for multi-unit subdivisions, trenches are used to locate faults and recommend setbacks so that buildings can be placed outside the setback zones....

The deformation zone along a major fault may have subsidiary faults as well as tilted and/or folded bedding. The purposes of a fault study are to trench across the deformation zone associated along a

major fault (300 feet on the upthrown side of the fault and 500 feet on the downthrown side of the fault) to assess this area for the presence of additional faults or other associated deformation. It is the current standard of practice to locate the active faults within the zone of deformation and delineate setbacks from the observed faults based on the observed characteristics of the faults such as the dip of the fault and maximum displacement per rupture event. Building within the zone of deformation is permissible outside any delineated setback areas. As noted above "*... performance of these studies and adherence to their recommendations do not guarantee safety because significant uncertainty remains due to our limited understanding of surface-faulting processes, the possibility of future ruptures in previously unfaulted locations, and practical limitations common to investigations.*" It is also important to understand that as stated above "*The purpose of surface-fault-rupture-hazard studies is to use the characteristics of past surface faulting at a site as a scientific basis for providing recommendations to reduce the potential for damage and injury from future, presumably similar, surface faulting*" Surface fault rupture hazard studies are intended to reduce the risks associated with surface fault rupture not eliminate it completely.

Attachment:

8

Wasatch Office
Timeline of Development
Process and Meetings
To Date

WASATCH OFFICE COMPLEX DEVELOPMENT TIMELINE

- November 2001 County DENIES a request for a general plan amendment from “Public Facilities – Parks – Open Space” to “Residential Multi-Family” and a zone change from R-1-10 to RM
- March 9, 2004 County APPROVES a request for a general plan amendment to “Residential Professional Office” and a zone change to RM/zc allowing office buildings
- September 8, 2004 County reviews the proposed conditional use and continues the meeting without making a decision. The following instructions are given to the developer to work on before they return to the planning commission:
 1. Recommend extending a sidewalk along Wasatch Dr.
 2. Design site, grading and landscaping to hide parking areas.
 3. Only provide the absolute minimum parking as required by parking standards for the proposed building.
 4. Suggest elimination of left turns out of project. Suggest right-in/right-out only.
 5. Recommend a peer review of the geotechnical report.
- December 3, 2004 County reviews the proposed conditional use and continues the meeting again without making a decision. The applicant had still not received approval from UDOT to access Wasatch at this point. The planning commission also stated that if Cottonwood Heights was to incorporate before the developer could meet the outstanding items as of this date, the file would be closed without a resolution.
- January 14, 2005 Cottonwood Heights incorporated. The applicant never met the deadline for resolution of the outstanding items and file was closed.
- October 17, 2005 A new application for a conditional use was received by Cottonwood Heights.
- December 13, 2005 Applicant informed that geological matters on site were very concerning to staff as those matters had not been sufficiently addressed yet.
- March 9, 2006 Letter forwarded to applicant informing them that, even after additional geological submissions, staff was not satisfied that the site was buildable. More tests were required.
- September 2006 Hiram Alba PG, states that he is satisfied that all of the geotechnical concerns have been met regarding the fault lines. The slope stability is still an issue he is waiting for information on.

- September 14, 2006 The applicant meets with the Architecture Review Commission (ARC) where they receive at least 10 items to work on to comply with the Gateway Overlay Zone standards.
- October 2006 An open house is held with the public to inform them of a the intent of the applicant to request a conditional use from the Planning Commission for three office buildings.
- November 17, 2006 The applicant returns plans to address the ARC's comments. There are at least three issues still unresolved from the ARC.
- December 6, 2006 Brad Gilson PE (City Engineer), informs staff that the applicants permit for access to Wasatch Blvd. from UDOT has expired.
- December 6, 2006 Application officially on hold until UDOT approval for access to Wasatch is obtained or another alternative is proposed.
- December 12, 2006 Research conducted which concludes that Salt Lake County followed requirements for noticing a public hearing for a zone change in 2004.
- January 24, 2007 The City Council holds a question and answer session with the public, staff and UDOT. UDOT states that the developer does not have the required access permit for the offices and will expect an application for such.
- August 21, 2007 UDOT issues a conditional letter of approval.
- September 11, 2007 The City Council holds another question and answer session with the applicant and staff.
- October 3, 2007 Planning Commission meeting
- October 17, 2007 Planning Commission meeting
- November 14, 2007 Planning Commission meeting
- December 5, 2007 Planning Commission meeting

Attachment:

9

City Staff Report Regarding
the History of the Wasatch
Office Project with the
County



Wasatch Office – Investigatory Staff Report – Spring 2005

File Name:	Wasatch Office
Date:	June 24, 2005
County Parcel Number:	2225376013
Location:	7755 South Wasatch Blvd.
Parcel Area:	3.09 acres
Owner/Applicant:	Blaine Walker
Staff:	Michael Black, City Planner

Purpose of Staff Report

Staff has prepared a report outlining the history of the request for development of the Wasatch Office Building from the initial zone change and general plan amendment to the application for a Conditional Use. The purpose of the report is to outline significant achievements, and failures, in the development's history with Salt Lake County.

History

The original general plan designation for the proposed Wasatch Office, adopted in 1992, was Public Facilities – Parks – Open Space. In 2001, the zoning was R-1-10.

The Salt Lake County Planning Commission, before the Cottonwood Heights Township Planning Commission was formed, reviewed the same request for a general plan amendment and zone change in October of 2001. The result of the review was a denial of the application. Subsequent to the October 2001 Planning Commission denial, the applicant requested a chance to appeal to the County Council which netted the developer a denial from the County on November 27, 2001. The County Council denied the request for general plan amendment and zone change with a vote of 8:1.

Zone Change

March 9, 2004, an approval was granted for a general plan amendment from residential to professional office and a zone change from R-1-10 to RM/zc, subject to the following conditions:

1. All uses are subject to conditional use approval and limited to the following uses:
 - a. Office, business, and/or professional
 - b. Medical, optical and dental laboratories
 - c. Public and quasi-public uses
2. Height of buildings is limited to two stories and 35 feet from the lowest original grade to the mid-point of the roof.
3. Total building square footage is limited to 50,000 square feet gross.

In March of 2004 the Salt Lake County Planning Staff supported the proposed change of the general plan designation and subsequent zone change. County Planning Staff stated that:

"The planning goals and policies that are an important part of the Cottonwood Heights Community General Plan are supportive of careful placement of new office developments that integrate with existing patterns of development and provide a clear and compatible transition with adjacent uses."

Staff also pointed out in their February 3, 2004 report that the site layout, including transitions from office uses to residential uses would be addressed during the conditional use and site plan review portion of the development process and should not be a concern to the Planning Commission during a request for general plan amendment and zone change.

Natural Hazards

The original Geologic Report from AMEC, which was prepared for the zone change review, stated that there were several traces of the Wasatch Fault running north to south through the property. The report also stated that the latest offsets from a sustained earthquake were 5 - 7 feet (time-period of the quake was not mentioned). In light of the submitted Geologic Report, County Staff recommended that there be no buildings built within 50 feet of a fault line on this property.

In addition to fault lines, there is a 12 inch underground water main located at the northern end of this property. That water main is protected by a 20 foot easement which prohibits development inside the easement.

Conditional Use

September 8, 2004, the Salt Lake County Planning Commission reviewed an application from the developer for a proposed conditional use and gave the developer the following comments, without giving an approval or denial:

1. Recommend extending a sidewalk along Wasatch Dr.
2. Design site, grading and landscaping to hide parking areas.
3. Only provide the absolute minimum parking as required by parking standards for the proposed building.
4. Suggest elimination of left turns out of project. Suggest right-in/right-out only.
5. Recommend a peer review of the geotechnical report.

At the same meeting, the Planning Commission continued the public hearing regarding this conditional use for one month at the request of staff and the Cottonwood Heights Community Council. There were a few reasons to continue this item; one of them being the required UDOT approval for access from Wasatch Drive had not been granted at the time of the meeting.

On December 3rd, 2004, Salt Lake County Staff prepared a report for an imminent Planning Commission meeting which recommended a continuance again due to the fact that the applicant had still not received proper approval from UDOT. UDOT's problem with approving the access appeared to be that UDOT engineers were not certain that a Wasatch Drive access point was more practical than an access to Prospector Drive to the north of the project. County staff and the developer were not in favor of an access to Prospector Drive.

On December 3rd, 2004, even though a staff report was prepared for the development and the Planning Commission scheduled the item on their agenda, there were, at least, 46 points of concern outstanding on the proposed Wasatch Office plans. The concerns ranged from

geology to landscaping. On the same day, County staff asked the Commission for two motions. Number one was for the Planning Commission to require the applicant to gain approval from UDOT for access to Wasatch and that they forget about Prospector Drive as a possible access. Number two was to make a motion to continue the item for a period of time not to exceed six months. Both motions appears to have carried. In the staff report from the same date, staff also stated that if Cottonwood Heights was to incorporate before the applicant could address the 46 issues of concern, then the County would give up jurisdiction of the project and in effect kill the application.

In talking to County Staff, I have ascertained that the applicant never met the deadline for receiving a UDOT approval. In fact, the applicant was not in any position at all to be scheduled for a Planning Commission meeting, or another staff review, at the time the City incorporated. The reason for this: the applicant had not made sufficient progress in addressing the concerns listed in the December 3rd Salt Lake County Staff Report irregardless of the existence, or non-existence, of a UDOT approval. Because of this fact, County Planning and Development Services denied the application and closed the file at the time of the Cottonwood Heights incorporation.

Based on the findings of the review of the Wasatch Office file, the developer will be required to submit a new application with all of the Cottonwood Heights' requirements for a Conditional Use and Site Plan, including fees and an UPDATED Geologic Report, IF the developer is allowed to proceed from this point.

Attachment:

10

City Memo Regarding City
Sponsored Open House

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 801-545-4154
Fax 801-545-4150

Memorandum

To: Cottonwood Heights Mayor and City Council
CC: Liane Stillman, City Manager
Kevin Smith, Deputy City Manager

From: Michael A. Black, Planning Director

Date: October 17, 2006

Subject: Wasatch Office Open House

The planning department held a successful (based on number of people) open house on the 12th of October. The open house was held in the City Offices and was attended by at least 40 residents, 6 staff members and 1 elected official. We feel that the format was conducive of an open meeting for dialog. We have found that a potential for the following items (in no particular order) were of most concern to our residents:

1. Traffic
 - a. Increase in traffic in general
 - b. Dangerous ingress and egress from the project
 - c. Blind hills and curves on Wasatch
 - d. The ability for UDOT to obtain the prescribed ROW for future widening on Wasatch
 - e. Bengal intersection congestion.
2. Decrease in home values as a result of the development.
3. Light pollution resulting from an office park.
4. Unsightliness of mechanical equipment.
5. A zone change that may not have been noticed correctly by the County that affected this property.
6. Feasibility of offices being rented and not left empty.
7. Building scale, including height and bulk.
8. Excessive parking that may be used at night or on weekends by skiers.
9. Noise pollution traveling to the neighborhood above the proposed development.
10. Stockpiling of snow at the north end of the property near Prospector Drive.
11. The refusal of the developer to follow the Prospector Phase II CC&R's.
12. Deterioration of the slope which could affect houses on Prospector Circle.
13. The use of extensive retaining walls.

14. Lack of area to collect storm water.
15. Use of buildings in the future as hotels and bars.

The residents were also concerned with the following perceived issues related to the incorporation:

1. The new City is not listening to the citizens, just like the County never listened.
2. The County had stated in the past that the property was unbuildable, based on geology, and now the new City is stating that the property is buildable.

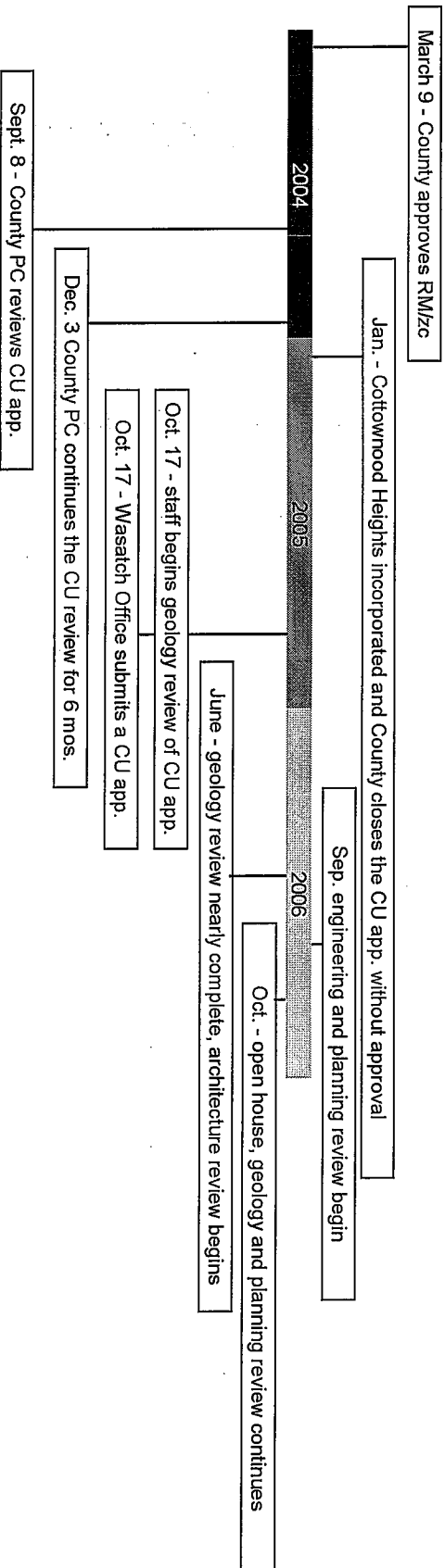
The residents had the following suggestion for the buildings:

1. Ensure buildings are LEED certified, or environmentally responsible.

In general it was found that the residents knew very little about the proposed project, which is why we felt it was necessary to hold an open house on the matter. In an attempt to bring everybody abreast of the current position of the development, I have attached a timeline of the project from the zone change to now.

If you have any question regarding this development, the open house or about past, present and continuing reviews of this item, please contact me.

Attachments: Wasatch Office timeline; Salt Lake County Ordinance effecting a zone change at the Wasatch Office project



Attachment:

11

City Memo Regarding
History of Zone Change with
the County

Cottonwood Heights Planning Department

1265 East Fort Union Blvd. Ste. 250

Cottonwood Heights, UT 84047

Telephone 801-545-4154

Fax 801-545-4150

Memorandum

To: Cottonwood Heights Mayor and City Council
Cc: Liane Stillman, City Manager
Kevin Smith, Deputy City Manager
Shane Topham, City Attorney
Linda Dunlavy, City Recorder

From: Michael Black, Planning Director

Date: December 12, 2006

Subject: Research of Public Hearing at the County for Wasatch Office

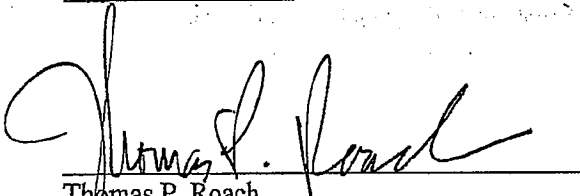
As you will recall, the City Council instructed me to investigate the public hearings which were held at Salt Lake County in conjunction with a request by Blaine Walker, of Utah Property Development, for a rezone of 5.7 acres of land from R-1-10 to RM/zc known as the Wasatch Office rezone. In researching the matter it has become apparent that in conjunction with the zone change application for this property, there was also a general plan amendment filed which requested a change from "Public Facilities – Parks – Open Space" to Professional Office for the same property.

The attached documents show three things: first, the proof of posting for November 20, 2003 shows that a public hearing was noticed for the Wasatch Office rezone request to be held before the Cottonwood Heights Township Planning Commission on December 17, 2003. The documentation also shows that the attached notice was sent to the listed property owners around the subject property; second, the same documentation is shown for a meeting which was held before the County Council on March 9, 2004 for the same request; third, documentation is provided to show that the County Council did approve the requested zone change at their March 9, 2004 meeting.


As far as I can see, the record shows that all of the correct procedures were followed to notice the application for a public hearing.

PROOF OF POSTING & MAILING

I, Thomas P. Roach, being first duly sworn, depose and say that I am an employee of the Salt Lake County Planning and Development Services Division, and that on or before the 20th day of November, 2003, one exact copy of the attached notice was affixed by me to the posting board on the 1st floor of the Salt Lake County Government Center, at 2001 South State Street, the Whitmore Post Office, Whitmore Library Branch, and 5 other locations on poles, in the Cottonwood Heights Community Council area, and one exact copy of the attached notice was mailed by me to each property owner listed below describing the time and date of a public hearing before the Salt Lake County Planning Commission concerning General Plan Amendment and Rezoning Application #21290, before the Cottonwood Heights Township Planning Commission.

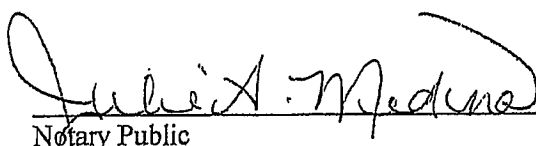

 Thomas P. Roach
 Section Manager

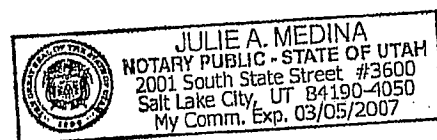
Mailing of this notice on the above stated date was authorized by:


 Jeff Daugherty
 Division Director

STATE OF UTAH)
 : SS.
 COUNTY OF SALT LAKE)

On this 25 day of November 2003, personally appeared before me Julie A. Medina, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.


 Notary Public
 Residing in Salt Lake County, Utah



NOTICE OF PUBLIC HEARING COTTONWOOD HEIGHTS COMMUNITY GENERAL PLAN AMENDMENT AND REZONING, APPLICATION #21290

Proposal

A public meeting is scheduled before the Cottonwood Heights Township Planning Commission to consider Application #21290 to amend the Cottonwood Heights Community General Plan, and the Zoning map of Salt Lake County by reclassifying properties in a portion of the Cottonwood Heights Community from Residential, to Professional Office. The proposed rezoning to accompany the general plan amendment will be R-M (office).

Location

The properties in question are two lots totaling 5.07 acres located at 7722 and 7755 South Wasatch Blvd.

Information

Should you desire more information or wish to record your opinion on this matter please contact Tom Roach, Salt Lake County Planning & Development Services Division Staff at 2001 South State Street, #N-3600, telephone 468-2074.

Planning Commission

The Cottonwood Heights Township Planning Commission will consider this matter at a public meeting at 9:00 a.m., in the COMMISSION CHAMBERS, Room #N-1100, 2001 South State Street, Wednesday, December 17, 2003. You are invited to participate in this meeting. The information and recommendation from the Township Planning Commission will be forwarded to the Salt Lake County Council who will make a final decision on this matter following a public meeting of which you will receive notification.

All interested parties are cordially invited to attend all public meetings. Written comments are encouraged.



Reasonable accommodations for individuals with disabilities will be provided upon request. For assistance please call Salt Lake County Personnel at 468-2120 or 468-2351; TDD 468-3600.

DATED: November 20, 2003.

**RESOLUTION OF THE
COTTONWOOD HEIGHT TOWNSHIP PLANNING COMMISSION
APPROVAL OF AMENDMENT 21290 TO THE
COTTONWOOD HEIGHTS COMMUNITY GENERAL PLAN
AS PART OF THE SALT LAKE COUNTY GENERAL PLAN**

WHEREAS, Utah law requires that each county planning commission prepare and recommend to the County Legislative Body a county general plan to guide the development of the respective counties within the state of Utah; and,

WHEREAS, the Salt Lake County Planning Commission has prepared and the Salt Lake County Legislative Body has adopted the Cottonwood Heights Community General Plan as part of the Salt Lake County General Plan; and,

WHEREAS, Utah law provides that a county planning commission may **amend, extend, or add to the county general plan**; and,

WHEREAS, the Cottonwood Heights Township Planning Commission has recognized the need to amend the Salt Lake County General Plan and has prepared amendment 21290 to the Cottonwood Heights Community General Plan; and,

WHEREAS, the Cottonwood Heights Township Planning Commission has expended considerable time and funds in conducting the studies and analysis necessary to prepare a General Plan Amendment 21290 for the Cottonwood Heights Community General Plan; and,

WHEREAS, the Cottonwood Heights Community Council composed of persons residing within the Cottonwood Heights Community have acted as an advisory group representing the various interests of the community in developing and reviewing amendment 21290; and,

WHEREAS, a number of open public meetings have been held with the Cottonwood Heights Community Council, and other private interest groups and appropriate governmental agencies to review amendment 21290 in order to identify problems and to develop acceptable planning policies; and,

WHEREAS, input from these various groups has resulted in the amendment, 21290 to the Cottonwood Heights Community General Plan; and,

WHEREAS, public hearings have been held before the Cottonwood Heights Township Planning Commission concerning the approval of amendment 21290 to the Cottonwood Heights Community General Plan;

NOW THEREFORE, IT IS HEREBY RESOLVED:

1. The Cottonwood Heights Township Planning Commission hereby amends the Salt Lake County General Plan by approving amendment 21290 to the Cottonwood Heights Community General Plan.
2. General Plan Amendment 21290 consists of a one page findings of fact and associated land use map establishing land use designation considerations. The subject property involves 5.07 acres located at 7722 and 7755 South Wasatch Boulevard.
3. The Cottonwood Heights Township Planning Commission recommends to the Salt Lake County Council as the County Legislative Body to amend the Salt Lake County General Plan by adopting General Plan Amendment 21290 to the Cottonwood Heights Community General Plan.

APPROVED AND ADOPTED this ____ day of _____, 2004.

COTTONWOOD HEIGHTS TOWNSHIP
PLANNING COMMISSION

by _____
Chair

NOVEMBER 20, 2003
PROJECT #21290

Dear Property Owner:

UTAH PROPERTY DEVELOPMENT, INC. (Mr. Blaine Walker) has submitted an application for an Amendment to the Cottonwood Heights Community General Plan to a professional office designation and an application for zoning change from an R-1-8 to a R-M zone at 7722 and 7755 South Wasatch Boulevard. The intended use for the property is a small professional office. Because you are a property owner within 300' of this property, you are being notified of this request.

The Cottonwood Heights Township Planning Commission will review this matter at a public meeting to be held on Wednesday, December 17, 2003, at 9:00 A.M., COMMISSION CHAMBERS, Room #N1100, 2001 South State Street, Salt Lake City, Utah 84190. All interested parties are invited to attend.

Under the authority of the Salt Lake County Zoning Ordinance the Planning Commission may recommend approval as requested, approval with conditions, modification, or denial of the request. If the application is recommended for approval it will be forwarded to the Salt Lake County Council who will decide on the matter at a public meeting. You will be notified when the meeting will be held.

Should you desire more information on this application, or to register your comments and attitudes about this use of the property, please contact the Development Services Staff at 2001 South State Street (Telephone 468-2074) before the meeting date.

If required by the number of items on the agenda, the Planning Commission will propose a time limit (usually 3 minutes) for those in favor and for those opposed to an item. If possible, a spokesperson should represent the persons on each side of an application. New information should be presented by each person speaking, and repetition of information is discouraged.

Salt Lake County
Development Services Division

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST WITH THREE DAYS NOTICE. FOR ASSISTANCE, PLEASE CALL V/468-2351:
TDD/468-3600.



Salt Lake County
Planning and Development Services Division
2001 S. State St., N3600
Salt lake City, UT 84190-4050

SALT LAKE
COUNTY

Property Owner
Sidwell No. 2225377020
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

Property Owner
Sidwell No. 2236103009
8306 S VALIANT DR
SALT LAKE CITY UT 84121

GORDON NICHOLL
6682 S. CANDLE COVE
SALT LAKE CITY, UT 84121

Property Owner
Sidwell No. 2225376011
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

Property Owner
Sidwell No. 2225378026
3818 E TIMBERLINE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356017
3626 E AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378011
7705 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236129005
7854 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377001
PO BOX 3302
SALT LAKE CITY UT 84110

Property Owner
Sidwell No. 2225377035
7656 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376007
1930 S VIEW ST
SALT LAKE CITY UT 84105

Property Owner
Sidwell No. 2225354021
3635 E AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377030
7656 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236105004
1201 RIVER REACH #410
FT LAUDERDALE FL 33315

Property Owner
Sidwell No. 2236103008
2324 E EVERGREEN AVE
SALT LAKE CITY UT 84109

Property Owner
Sidwell No. 2225377011
7656 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236105003
1201 RIVER REACH #410
FT LAUDERDALE FL 33315

Property Owner
Sidwell No. 2225377015
7710 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377033
7656 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376009
1713 E PLATA WY
SANDY UT 84093

Property Owner
Sidwell No. 2236106002
420 DORSET ST
PROSPECT HEIGHTS IL 60070

Property Owner
Sidwell No. 2225377013
7682 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225353001
7671 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236105001
7829 S HONEYWOOD HILL LN
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377027
7682 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356020
7699 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236129001
37 W 1700 S
SOUTH SALT LAKE UT 84115

Property Owner
Sidwell No. 2225302037
3738 E BRIGHTON POINT DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378009
7667 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225354022
P O BOX 7556
TAHOE CITY CA 96145

Property Owner
Sidwell No. 2225378010
7687 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236105002
7833 S HONEYWOOD HILL LN
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378014
7747 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236129004
7836 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236106001
3242 BAHAMA CIR
TAVARES FL 32778

Property Owner
Sidwell No. 2225356021
5483 S WOODCREST DR
SALT LAKE CITY UT 84117

Property Owner
Sidwell No. 2236129009
7836 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377012
7668 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377023
7601 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378023
3759 E CATAMOUNT RIDGE WY
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Property Owner
Sidwell No. 2225355004
5108 WIND ROCK CT
ARLINGTON TX 76017

Property Owner
Sidwell No. 2225377034
211 SYRCLE DR NW
PENSACOLA FL 32507

Property Owner
Sidwell No. 2225352006
3726 E BRIGHTON POINT DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377024
7611 S PROSPECTOR DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225377010
7642 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377032
50 S MAIN ST # 530
SALT LAKE CITY UT 84144

Property Owner
Sidwell No. 2225354023
7692 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356039
3647 E BENGAL BLVD
SALT LAKE CITY UT 84121

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Sidwell No. 2225377031
50 S MAIN ST # 530
SALT LAKE CITY UT 84144

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Sidwell No. 2225377008
7618 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356023
7733 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236105007
925 E 900 S
SALT LAKE CITY UT 84105

Property Owner
Sidwell No. 2225378013
7737 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236129003
7810 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376010
7786 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225352034
8016 S SUNNYOAK CIR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378030
7655 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356024
15003 LAUREL COVE CIR
ODESSA FL 33556

Property Owner
Sidwell No. 2225356037
3629 E BENGAL BLVD
SALT LAKE CITY UT 84121

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3650 E AVONDALE DR
SALT LAKE CITY UT 84121



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3766 E PROSPECTOR CIR
SALT LAKE CITY UT 84121

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7696 S QUICKSILVER DR
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Property Owner
Sidwell No. 2225378012
7723 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225357003
2630 E OLYMPUS DR
SALT LAKE CITY UT 84124

Property Owner
Sidwell No. 2225376008
510 VENETIAN BLVD
LINDENHURST NY 11757

Property Owner
Sidwell No. 2225377016
7730 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225357002
2630 E OLYMPUS DR
SALT LAKE CITY UT 84124

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Sidwell No. 2225356036
3625 E BENGAL BLVD
SALT LAKE CITY UT 84121

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Sidwell No. 2225378025
7748 S TIMBERLINE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376013
6000 S FASHION BLVD
MURRAY UT 84107

Property Owner
Sidwell No. 2225379008
440 EVERGREEN DR
PARK CITY UT 84060

Property Owner
Sidwell No. 2225355007
7736 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376005
6000 S FASHION BLVD
MURRAY UT 84107

Property Owner
Sidwell No. 2225378015
3785 E TIMBERLINE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378027
2546 S WILSHIRE CIR
SALT LAKE CITY UT 84109

Property Owner
Sidwell No. 2225355001
2654 W HALL CIR
SALT LAKE CITY UT 84119

Property Owner
Sidwell No. 2225356018
3638 E AVONDALE DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225377009
7630 S QUICKSILVER DR
SALT LAKE CITY UT 84121

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3281 E VERA CIR
SALT LAKE CITY UT 84121

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SALT LAKE CITY UT 84121

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7685 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2236129006
7850 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376018
3747 E PROSPECTOR CIR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225302036
7561 S BRIGHTON POINT DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225357001
7721 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225352033
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

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Sidwell No. 2225356038
3637 E BENGAL BLVD
SALT LAKE CITY UT 84121

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Sidwell No. 2225377029
7637 S PROSPECTOR DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225376017
3766 E PROSPECTOR CIR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377028
7696 S QUICKSILVER DR
SALT LAKE CITY UT 84121

ATTACHMENT 2



**SALT LAKE
COUNTY**

SALT LAKE COUNTY
GOVERNMENT CENTER
2001 SOUTH STATE STREET
SUITE N-2200
SALT LAKE CITY
UTAH 84190-1010

February 3, 2004

Salt Lake County Council

Steve Hamsen, Chair --
Randy Horiuchi
Jim Bradley
Joe Hatch
Michael Jensen
David A. Wilde
Russell Skousen
Cortlund Ashton
Marvin L. Hendrickson

Mr. Tom Roach, Section Manager
Planning & Development Services Division
Rm. N3600, Government Center
Salt Lake City, Utah

Dear Mr. Roach:

The Salt Lake County Council, at its meeting held this day, scheduled a hearing for **Tuesday, March 9, 2004**, at 4:00 p.m., in the Council Chambers, Salt Lake County Government Center, to hear the following application:

Application #21290 - Utah Property Development, Inc. to amend the Cottonwood Heights Community General Plan by changing the land use designation of property located at 7755 South Wasatch Boulevard and 7722 South Prospector Drive from residential to professional office and to reclassify this property from R-1-10 to R-M zone.


The notice of hearing has been sent to the newspaper for publication.

Respectfully yours,

SALT LAKE COUNTY COUNCIL

SHERRIE SWENSEN, COUNTY CLERK

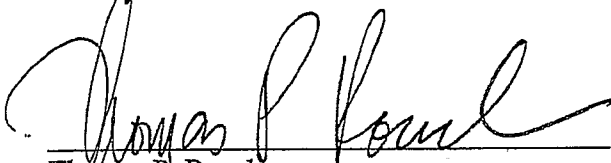
By


Deputy Clerk

lh
pc: Utah Property Development Inc.
Attn: Blaine Walker
6629 South 1300 East
Salt Lake City, Utah 84121

PROOF OF MAILING AND POSTING

I, Thomas P. Roach, being first duly sworn, depose and say that I am an employee of Salt Lake County, Utah, and that on or before the 3rd day of February, 2004, one exact copy of the attached posting notice was affixed by me to the posting board on the 1st floor of the Salt Lake County Government Center, at 2001 South State Street, the Whitmore Library Branch and 2 other locations on poles, in the Cottonwood Heights Township area; and copies of the attached mailing notice was mailed to each property owner indicated on the attached list describing the time and date of a public hearing concerning Application - 21290, Amendment and Rezoning Proposal before the Salt Lake County Council.


Thomas P. Roach
Section Manager

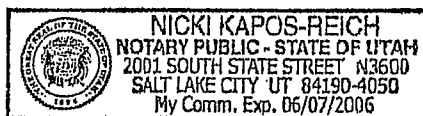
Posting of this notice on the above stated date was authorized by:


Jeff Daugherty
Division Director

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

On this 3rd day of February, 2004, personally appeared before me Thomas P. Roach, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.


Notary Public
Residing in Salt Lake County, Utah



Salt Lake County Public Works Department
Planning and Development Services Division
2001 South State Street, #N3600
Salt Lake City, Utah 84190-4050



**SALT LAKE
COUNTY**

OR CURRENT PROPERTY OWNER



SALT LAKE COUNTY

FEBRUARY 3, 2004
PROJECT #21290

Dear Property Owner:

UTAH PROPERTY DEVELOPMENT, INC. (Mr. Blaine Walker) has submitted an application for an Amendment to the Cottonwood Heights Community General Plan to a professional office designation and an application for zoning change from an R-1-10 to a R-M zone at 7722 and 7755 South Wasatch Boulevard. The intended use for the property is a small professional office. **Because you are a property owner within 300' of this property, you are being notified of this request.**

The **SALT LAKE COUNTY COUNCIL** will review this matter at a public meeting to be held on **Tuesday, March 9, 2004, at 4:00 P.M.**, COMMISSION CHAMBERS, Room #N1100, 2001 South State Street, Salt Lake City, Utah 84190. All interested parties are invited to attend.

Under the authority of the Salt Lake County Zoning Ordinance the Salt Lake County Council may recommend approval as requested, approval with conditions, modification, or denial of the request.

Should you desire more information on this application, or to register your comments and attitudes about this use of the property, please contact the Development Services Staff at 2001 South State Street (**Telephone 468-2074**) before the meeting date.

If required by the number of items on the agenda, the County Council will propose a time limit (usually 3-5 minutes) for those in favor and for those opposed to an item. If possible, a spokesperson should represent the persons on each side of an application. New information should be presented by each person speaking, and repetition of information is discouraged.

Salt Lake County
Development Services Division

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST WITH THREE DAYS NOTICE. FOR ASSISTANCE, PLEASE CALL V/468-2351: TDD/468-3600.

Property Owner
Sidwell No. 2225376014
3766 E PROSPECTOR CIR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225377014
7696 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225378012
7723 S QUICKSILVER DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225357003
2630 E OLYMPUS DR
SALT LAKE CITY UT 84124

Property Owner
Sidwell No. 2225376008
510 VENETIAN BLVD
LINDENHURST NY 11757

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Sidwell No. 2225377016
7730 S QUICKSILVER DR
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Sidwell No. 2225379008
440 EVERGREEN DR
PARK CITY UT 84060

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SALT LAKE CITY UT 84121

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Sidwell No. 2225355001
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3281 E VERA CIR
SALT LAKE CITY UT 84121

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Sidwell No. 2225378024
7732 S TIMBERLINE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225356019
7685 S AVONDALE DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2226129006
7850 S PROSPECTOR DR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225376018
3747 E PROSPECTOR CIR
SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225302036
7561 S BRIGHTON POINT DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225357001
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SALT LAKE CITY UT 84150

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7687 S QUICKSILVER DR
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7833 S HONEYWOOD HILL LN
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7642 S QUICKSILVER DR
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Sidwell No. 2225377032
50 S MAIN ST # 530
SALT LAKE CITY UT 84144

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7692 S AVONDALE DR
SALT LAKE CITY UT 84121

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Sidwell No. 2225356039
3647 E BENGAL BLVD
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SALT LAKE CITY UT 84144

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7618 S QUICKSILVER DR
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7783 S AVONDALE DR
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Property Owner
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925 E 900 S
SALT LAKE CITY UT 84105

Property Owner
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7737 S QUICKSILVER DR
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7810 S PROSPECTOR DR
SALT LAKE CITY UT 84121

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7786 S PROSPECTOR DR
SALT LAKE CITY UT 84121

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8016 S SUNNYOAK CIR
SALT LAKE CITY UT 84121

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15003 LAUREL COVE CIR
ODESSA FL 33556

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SALT LAKE CITY UT 84121



GORDON NICHOL
6682 S. CANDLE COVE
SALT LAKE CITY, UT
84121

Property Owner
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2001 S STATE ST # N4500
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SALT LAKE CITY UT 84121

Property Owner
Sidwell No. 2225354022
P O BOX 7556
TAHOE CITY CA 96145

ATTACHMENT 3



March 9, 2004

SALT LAKE COUNTY COUNCIL

CHAIRMAN STEVE HARMSSEN	AT-LARGE
RANDY HORIUCHI	AT-LARGE
JIM BRADLEY	AT-LARGE
JOE HATCH	DISTRICT #1
MICHAEL H. JENSEN	DISTRICT #2
DAVID A. WILDE	DISTRICT #3
RUSSELL SKOUSEN	DISTRICT #4
CORTLUND ASHTON	DISTRICT #5
MARVIN L. HENDRICKSON	DISTRICT #6

Mr. Tom Roach, Section Manager
Planning & Development Services Division
Rm. N3600, Government Center
Salt Lake City, Utah

Dear Mr. Roach:

The Salt Lake County Council, at its meeting held this day, approved the following application:

Application #21290 - Utah Property Development, Inc. to amend the Cottonwood Heights Community General Plan by changing the land use designation on property located at 7755 South Wasatch Boulevard and 7722 South Prospector Drive from residential to professional office, and to reclassify this property from R-1-10 to R-M/zc zone, subject to the following zoning conditions:

1. All uses are subject to conditional use approval and limited to:
 - office, business and/or professional
 - medical, optical and dental laboratories
 - public and quasi-public uses
2. Height of buildings limited to two stories and 35 feet from lowest original grade to the mid point of the roof.
3. Total building square footage limited to 50,000 gross square feet.

The Council also approved the following:

- Ordinance - rezoning the property from R-1-10 to R-M/zc zone.
- Resolution No. 3566 - amending the Salt Lake County General Plan by approving an amendment to the Cottonwood Heights Community General Plan.

A copy of the ordinance has been sent to the newspaper for publication.

The County Recorder is requested to place the attached ordinance on record for no fee and return it to the Council Clerk's Office (#N2100A).

Respectfully yours,

SALT LAKE COUNTY COUNCIL

SHERRIE SWENSEN, COUNTY CLERK

By


Deputy Clerk

lh
pc: Recorder

Utah Property Development Inc.
Attn: Blaine Walker
6629 South 1300 East
Salt Lake City, Utah 84121

SALT LAKE COUNTY GOVERNMENT CENTER

2001 SOUTH STATE STREET, SUITE N-2200 • SALT LAKE CITY UTAH 84190-1010 • TEL (801) 468-2930 • FAX (801) 468-3029

**RESOLUTION OF THE
SALT LAKE COUNTY COUNCIL**

RESOLUTION NO: 3566

DATE: March 9, 2004

**AMENDMENT APPLICATION #21290 TO THE
COTTONWOOD HEIGHTS COMMUNITY GENERAL PLAN
AS PART OF THE
SALT LAKE COUNTY GENERAL PLAN**

WHEREAS, Utah law requires that each county planning commission prepare and recommend to the County Legislative Body a county general plan to guide the development of the respective counties within the state of Utah; and,

WHEREAS, the Salt Lake County Planning Commission has prepared and the past Board of County Commissioners of Salt Lake County has adopted the Cottonwood Heights Community General Plan as part of the Salt Lake County General Plan; and,

WHEREAS, Utah law provides that a County Legislative Body may **amend, extend, or add to the county general plan**; and,

WHEREAS, the Cottonwood Heights Township Planning Commission has recognized the need to amend the Salt Lake County General Plan and has prepared amendment #21290 to the Cottonwood Heights Community General Plan; and,

WHEREAS, the Cottonwood Heights Township Planning Commission has expended considerable time and funds in conducting the studies and analysis necessary to prepare a General Plan Amendment #21290 for the Cottonwood Heights Community General Plan; and,

WHEREAS, the Cottonwood Heights Community Council composed of persons residing within the Cottonwood Heights Community have acted as an advisory group representing the various interests of the community in developing and reviewing amendment #21290; and,

WHEREAS, a number of open public meetings have been held with the Cottonwood Heights Community Council, the Cottonwood Heights Community citizens, and other private interest groups and appropriate governmental agencies to review amendment #21290 in order to identify problems and to develop acceptable planning policies; and,

WHEREAS, input from these various groups has resulted in the amendment, #21290 to the Cottonwood Heights Community General Plan; and,

WHEREAS, pursuant to the requirements of Utah Code Annotated 17-27-303 public hearings have been held before the Cottonwood Heights Township Planning Commission concerning the Cottonwood Heights Community General Plan Amendment, #21290; and,

WHEREAS, pursuant to the requirements of Utah Code Annotated 17-27-303 public hearings have been held before the Salt Lake County Council concerning the adoption of the Cottonwood Heights Community General Plan Amendment, #21290;

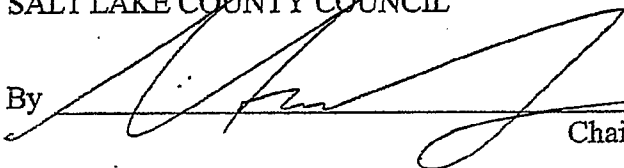
NOW THEREFORE, IT IS HEREBY RESOLVED:

1. The Salt Lake County Council hereby amends the Salt Lake County General Plan by approving amendment #21290 to the Cottonwood Heights Community General Plan.
2. General Plan Amendment #21290 consists of a one page findings of fact and associated land use map establishing land use designation considerations. The subject property involves 5.07 acres located at 7722 and 7755 South Wasatch Boulevard.
3. A copy of the General Plan Amendment #21290 to the Cottonwood Heights Community General Plan is available for public use and inspection during normal business hours in the office of the Salt Lake County Planning & Development Services Division, 2001 South State Street, #N3600, Salt Lake City, Utah 84190-4050.

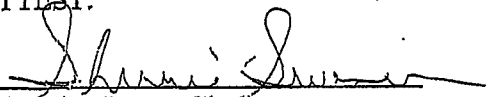
APPROVED AND ADOPTED this 9th day of March, 2004.

SALT LAKE COUNTY COUNCIL

By


Chairman

ATTEST:


Salt Lake County Clerk

Voting:

Councilman Bradley	Absent
Councilman Harmsen	"Aye"
Councilman Hatch	"Aye"
Councilman Hendrickson	"Aye"
Councilman Horiuchi	"Aye"
Councilman Jensen	"Aye"
Councilman Skousen	"Aye"
Councilman Wilde	"Aye"
Councilman Ashton	"Aye"

**SALT LAKE COUNTY
ORDINANCE**

PARCEL #22-25-376-005-0000 & #22-25-376-013-0000

AN ORDINANCE, AMENDING TITLE 19, ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 1986, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM R-1-10 TO R-M/ZC ZONE.

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, The Zoning Map of Salt Lake County, Code of Ordinances 1986, is hereby amended, as follows:

The property described in Application #21290, filed by Utah Property Development, Inc., and located at 7755 South Wasatch Boulevard & 7722 South Prospector Drive within Salt Lake County, is hereby reclassified from R-1-10 to R-M/zc zone, said property being described as follows:

BEG S 89°55'40" W 1198.01 FT FR S 1/4 COR SEC 25, T 2S, R 1E S L M; S 89°55'40" W 262.54 FT TO E LINE OF WASATCH BLV; 349.51 FT NLY ALG CURVE TO R; N 26°49'58" E 179.985 FT; S 63°10'02" E 132.16 FT; S 11°28'48" W 425.72 FT TO BEG.

BEG N 512.47 FT & W 1093.61 FT FR S 1/4 COR OF SEC 25, T 2S, R 1E, S L M; S 11°28'48" W 98.85 FT; N 63°10'02" W 132.16 FT; N 26°49'58" E 224.855 FT; N 26°57'20" E 437.05 FT; NELY ALG CURVE TO R 88.88 FT; NLY 30.42 FT ALG CURVE TO L; SLY 59.91 FT ALG CURVE TO L; SLY 215.53 FT ALG CURVE TO R; S 21°15' W 80.5 FT; SELY 106.44 FT ALG CURVE TO L; S 0°42'31" E 66.294 FT; SELY 240.71 FT ALG CURVE TO L; S 51°52'48" W 68.392 FT; N 32° W 110 FT; N 68° W 160 FT M OR L TO BEG.

Pursuant to section 19.90.060 of the Salt Lake County Code of Ordinances. 1986, development of said property is subject to the following conditions:

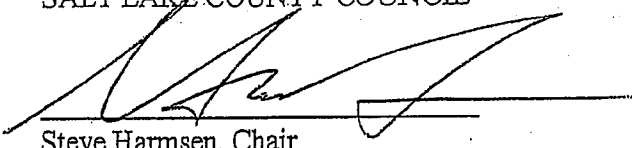
1. All uses are subject to conditional use approval and limited to:
 - Office, business and / or professional
 - Medical, optical and dental laboratories
 - Public and quasi-public uses
2. Height of buildings limited to two stories and 35 feet from lowest original grade to the mid point of the roof.
3. Total building square footage limited to 50,000 gross square feet.

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County, Code of Ordinances, 1986.

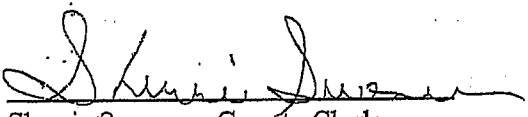
Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this 9th day of March, 2004.

SALT LAKE COUNTY COUNCIL


Steve Harmsen, Chair

ATTESTED:


Sherrie Swensen, County Clerk

Council Member Horiuchi	<u>"AYE"</u>
Council Member Harmsen	<u>"AYE"</u>
Council Member Bradley	<u>"ABSENT"</u>
Council Member Hatch	<u>"AYE"</u>
Council Member Jensen	<u>"AYE"</u>
Council Member Skousen	<u>"AYE"</u>
Council Member Ashton	<u>"AYE"</u>
Council Member Hendrickson	<u>"AYE"</u>
Council Member Wilde	<u>"AYE"</u>

Attachment:

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Citizen comment packet A:
citizen comments from.
October 3, 2007 to October 9,
2007

Michael Black

From: LCJ [lj7954@burgoyne.com]
Sent: Tuesday, October 09, 2007 2:42 PM
To: Michael Black
Subject: Wasatch Blvd. Development

Dear Mr. Black,

I have been living at the same address in what is now CHC for over thirty years. I was very glad to see us incorporate, since it seemed that the SL County Council was unresponsive, and in fact often at odds with the desires of the local constituents. A case in fact seems to be the proposed development on Wasatch Blvd. I suspect that, had we already been incorporated, the outcome of that rezoning request would have been quite different.

I realize that your hands are somewhat tied by the previous SLCC decision, but I would like to see everything possible done to prevent or at least minimize this commercial development in the middle of a residential community.

Thank you,
Bob Jacobs
8717 Sugarloaf Drive

Michael Black

From: esaltlake@comcast.net
 Sent: Tuesday, October 09, 2007 4:39 PM
 To: Michael Black; Liane Stillman
 Subject: Wasatch Office Complex - Opposed

Dear Mr. Black

We adamantly oppose the proposed Wasatch Office Complex, on many levels, however in the interest of keeping this brief the following are the most important reasons this project should not be approved. First & foremost, the notification process. I know this has come up over & over again, & rightfully so. With so much opposition from neighboring homeowners, who all have repeated they were not notified of the request for re-zone, it is obvious this is a major problem. Could we all be wrong? Is every resident in this neighborhood lying about the notification. If you approve this project the answer to this question would be yes, we are all lying, & actually did receive notice concerning the re-zoning, but none of us cared enough to show up & voice our opposition. I know first hand this is not & was not the case. I have been a Realtor in this area going on 17 years. 10 years ago I was hired by the previous owner of this property to help them develop and market a small residential subdivision for this property. Contrary to what has been said about this parcel not being suited for residential homes, the fact is, this property was approved for 7 residential homes, signed and approved by Mr. Randy Horiuchi in 1997. The neighboring homeowners, of which many still reside, were always very concerned with what would be built on this property. There were several county and community meetings regarding this residential plan. I was present at every meeting representing the Owner/Builder. There was not one time that the residents of this neighborhood did not show up at these meetings. That was due to the fact that notices were actually sent out. I personally sent them. This alone should revoke the re-zoning. Secondly, UDOT has not taken the approval with any seriousness. I can't remember a time when a project was built on such a busy street without properly conducting traffic studies. This has yet to be done with the current property owner. The traffic studies were not completed properly. I saw the owner of this property sitting on a lawn chair on the corner of Wasatch Blvd & Honeywood Cove drive, with a clipboard, counting cars. This is UDOT's traffic study. I don't know a developer or builder in this valley that would not jump at the opportunity to purchase a residential parcel & re-zone it without any opposition. It does not happen. Not if procedures are correctly followed. 3rd This property falls under the sensitive land act. Without notice, it was taken out of the sensitive lands category, also to fit the developers needs. Meaning no disrespect to our Cottonwood Heights structural engineer on this project, there are serious concerns with this property in regards to building on the fault & slope stability. The main problem is that Cottonwood Heights City did not adopt the 1994 earthquake building codes & restrictions. I know this because I built my home on this same mountain side in 1999. The restrictions stated in the 1994 building codes require all homes built with a 30% or greater slope, within the fault scarp, must have piers to ensure the safety of the home in case of an earthquake. My home was one of the first built under these new (1994) guidelines. The Tribune did a story on the new earthquake resistant building procedures. There is a home currently under construction, (just above the proposed office project). The homeowner was not required to adhere to any of the Salt Lake County earthquake building codes, which is why I know the same codes are not required by Cottonwood Heights. Salt Lake County actually has far more stringent codes than our city. Does not sound right. There are so many reasons this lot should strictly be used for its original zoning, which was approved for residential.

John and D'marie Mayers

Date: October 9, 2007

To: Planning Commission (PC)
Cottonwood Heights City

Subject: Wasatch Office Project
Violations of Code and Ordinances

Dear Planning Commission Members:


The citizens of Cottonwood Heights whose health, safety and welfare will be detrimentally impacted by the proposed Wasatch Office Complex at 7755 S. Wasatch Blvd, upon which it is proposed to build 3 commercial office buildings, hereby submit documentation requested by the PC to deny the conditional use application for such development. This information is based upon a number of violations of city codes and ordinances as well as improper design relative to the major fault lines from the Wasatch fault that runs through the property.

The following items are attached and submitted in support of our request of denial of the conditional use application submitted at the October 3, 2007 PC meeting.

1. Comments, errors, and corrections to calculation of total project area based on the requirements of the Sensitive Lands Ordinance 19.72.04(A) and 19.7.040(D) as presented at the October 3, 2007 PC meeting.
2. Violation of the RM Residential Multi-Family Zone ordinance, 19.34.070 regarding maximum building height as presented at the October 3, 2007 PC meeting.
3. The plan does not comply with the Supplementary and Qualifying Regulations of Ordinance 19.76.170 with regard to the vertical height measurement of the proposed buildings.
4. The plan does not comply with the Conditional Uses Ordinance, Chapter 19.84.080, items 2(b, d, k, n, o)
5. The plan does not comply with the required building setbacks from the major fault lines that cross throughout this property as described in a number of studies.
6. The plan does not contain an agreement that a prescriptive easement, according to a number of legal files that established state law, which requires the developer to provide for maintenance of an existing walk trail on the property.
7. Zoning ordinance and proposal that item 1 c., Public and Quasi-public uses be removed from the list of All uses in the RM/zc zone change of 7755 and 7722S. Wasatch Blvd.

Finally, unless the enclosed data are sufficient to deny the conditional use application, the citizens strongly request that any decision regarding the conditional use application be delayed until the December PC meeting to allow sufficient time for citizens to acquire independent engineering analysis and reports, which are in process. A land use engineer is being retained by the citizens and the project that his analysis and a report could be completed by mid to late November.

Respectfully submitted this 9th day of October, 2007 by,
Cottonwood Height Concerned Citizens
Contact Person:


W. Robert Good, PhD
7730 S. Quicksilver Dr.

Item 1

Page 2 under "Site Layout" it is stated that 65% of the site is unusable according to excessive slopes and paragraph 19.72.040(D) of the Sensitive Lands Ordinance. The means to calculate the total of 35% allowed for impervious surface is not given and appears to be incorrect.

According to Ordinance 19.72.040(A), only 30% of slope areas greater than 30% can be added in the area calculation to determine density. Using the plan survey map, we have calculated the unusable slope area (40% of total or 92,005 ft²) and the project area (60% of total or 135,987 ft²). We have then added 30% of the unusable area to the project area to get a total project area of 163,589 ft². Then, according to ordinance 19.72.040(D), maximum allowed impervious area of the project is 35% of the total project area, or 57,256 ft². A detailed copy of the spread sheet calculation is attached on the next page.

This accurate calculation according to the ordinance indicates that the plan submitted exceeds the ordinance limit for impervious area by 22,541 ft². Hence, the submitted plans should be denied based on Sensitive Land Ordinance.

**Comparison of Allowable Impervious Surface Area
Using Incorrect 35% of Total Lot Area vs. Correct
Calculation According to Ordinance 19.72.04 (A and D)**

Incorrect Calculation Using 35% of Total Land

78,060

Data Calculated from the Survey Map

15/16 in. = 80 ft or 7281.78 sq.ft/sq in.

Calculations for Project Area

	Square Inches	Square Ft	Pct of Total	Notes
Total Area (5.18 acre)	31.31	227,992.53	100%	
Unusable 40% of Total Area	12.64	92,005.29	40%	19.72.040 A.
Project Area (Difference)	18.68	135,987.24	60%	
30% of Unusable Area	3.79	27,601.59	12%	19.72.040 A
Total Project (Project + 30% of Unusable)	22.47	163,588.83	72%	19.72.040 A.
Actual Impervious Allowed (35% of Total Project)	7.86	57,256.09	25%	19.72.040 D

Difference Between Plan and Allowed

22,541

Incorrect Calculation Using 35% of Total Land

79,797

Item 2

Page 5 of the staff report under "Zoning", near the middle of the first paragraph says "...properties in the sensitive lands zone shall have a maximum building height of 35 feet." This statement is incorrect.

Even though the county approval of the re-zone states maximum height of 35 feet, the RM Residential Multi-Family Zone ordinance states in section 19.34.070 that "...if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet." Obviously the County violated the ordinance when it gave approval to re-zone to RM.

Item 3

According to the submitted site plan, the building 1 design is shown to be 26 feet, 6 inches to the midpoint of the roof. Buildings 2 and 3 are shown to be 27 feet, 3 inches to the midpoint of the roofs. These heights do not represent the structure height definition required by the Supplementary and Qualifying Regulations Ordinance 19.76.170.

The definition of Structure Height – Vertical measurement given in Ordinance Chapter 19.76.170 is: "This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure."

Using the scale provided in the latest building design graphics supplied by RIMROCK, comparison of the measurements to the roof midpoints to the highest points of the buildings are as follows:

Building 1: Midpoint – 26 feet 6 inches
 Highest Point – 32 feet 11 inches

Buildings 2 and 3: Midpoints – 27 feet 3 inches
 Highest Point – 33 feet 9 inches

All buildings exceed the maximum allowed height of 30 feet as required in the RM Residential Multi-Family Zone Ordinance, Chapter 19.34.070 which states that "...if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet." The conditional use application should be denied because the building heights do not meet the maximum allowed height according to this ordinance.

Item 4

Chapter 19.84, Conditional Uses

The plan does not comply with section 19.84.080 2(b, d, k, n, o).

- (b) The proposed use is detrimental to the health, safety, comfort of persons residing or working in the vicinity.
- (d) The proposed use is not harmonious with the neighboring district.
- (k) Buffering to protect adjacent land use from light, noise and visual impacts is not adequate.
- (n) The project does not adequately preserve historical and environment.
- (o) The operating and delivery hours have not been described to be compatible with adjacent land uses.

Refer to the Addendum for photographs of the proposed project site taken from nearby residences and facts that verify the non-compliance with this ordinance.

The conditional use application should be denied for having not met the above stated requirements.

Item 5

The issues associated with the property at 7755 S. Wasatch Blvd. and the proposed development of the Wasatch Office Complex on this complex geologic property are addressed herein with a report from Mr. Thomas G. White, Metallurgical Engineer. He has worked many years in the study of seismic hazards and geotechnical issues.

The documents referred to as "Sections" in the report are included in this submission as an Appendix to this Item 5.

GENERAL

The office complex being planned at 7755 South Wasatch (Project) is directly over the active Wasatch Fault. No North American fault except the San Andreas in California has had more study, scrutiny and Doctoral Theses. The Project developers have not publicly acknowledged the seismic hazards for the Project location. The purpose of this report is to briefly discuss the Fault, cite relevant documents and comment on three different reports put forth by the Project developer, none of which support the proposed development of office buildings on this property.

DISCUSSION

In the report are 7 different sections, each document is labeled by section in the attached appendix. Comments for each section follow. Items that clearly indicate basis for denial of the conditional use application appear in red bold type under "Comments". All referenced page numbers are those handwritten in the upper right hand corner of each page for each section contained in the Appendix.

Section 1

Page 1 - "The Wasatch Fault is the largest fault of its type in the world."

Page 2 - The Wasatch Fault passes just below the Big Cottonwood water Treatment plant at the mouth of Big Cottonwood Canyon."

Page 2 - "The Wasatch Fault produces a major quake about every 350 years."

Page 7 - "the Big Cottonwood Water Treatment Plant and Filter Building were reconstructed to code in 1997-98. New structures were designed and constructed to Zone 4 requirements."

Comments on Section 1 as they apply to Project:

- The water treatment plant is 300 yards north of the Project boundary.
- Earthquake construction code for this treatment plant is cited as Zone 4. This should apply to the Project also, which is currently mislabeled as Zone 3.

Section 2

Page 1 – The Wasatch Fault is identified by staff from the University of Wisconsin as running directly to the east of Wasatch Boulevard and under the Project site.

Page 2 – the Utah Geological Survey maps the Wasatch Fault as directly under the Project site and immediately to the east of Wasatch Boulevard.

Page 3 – The Utah Seismic Safety Commission report states “maps (attached) indicate that the hazard (relative strength of ground shaking) highest in the Salt Lake Valley is in the east Bench Area.

Comments on Section 2 as they apply to the Project:

- Many reputable sources place the Wasatch fault directly under the Project. This is not in dispute by any credible organization. Hence, it would appear that the proposed construction is directly over major faults.
- The Project site is in the highest potential seismic hazard area in the Salt Lake Valley

Section 3 *2002 Minimum Standards for Surface Fault Rupture Hazard Studies* by the County geologist

Page 2- “To address surface fault hazards, the geologic hazards ordinance (Section 19.75.080) prohibits construction of habitable structures and critical facilities across an active fault.”

Comments on Section 3 as they apply to the Project:

- The Project is placed directly over the Wasatch Fault and violates the Geologic Hazard Ordinance 19.75.080.
- This section provides the basis of the setback calculations.

Section 4 *Report of Geology and Soils, Dames and Moore July 13, 1977*

Page 3 – “—main topographic features of the overall site consist of (1) a north - south trending bluff ---- that coincides with the main trace of the Wasatch fault zone.”

Page 5 – Only one publication, that prepared by Morrison* shows all three active faults: The middle fault is evidenced by strong topographic evidence. Maximum offset of this fault is estimated to be approximately 60 feet and is downthrown on the western side. The fault appears to lie very close to the toe of the bluff.”

Page 6 – “The highly seismic character of the area is indicated by the abundance of earthquake epicenters near the fault in the general vicinity of the site.”

Page 8 – “We also recommend that no structure for human occupancy be constructed within 50 feet of the middle fault and 25 feet of the western fault.”

Page 9 – “the recommended 50 foot offset west of the approximate toe of the main bluff would be the area into which unstable soils would slide.”

Page 10 – Signed by William J. Gordon

Comments on Section 4 as they apply to the Project

- The area is most assuredly termed active seismically.
- The project does not comply with the required setback from the bluff as recommended at 50 feet for BOTH offset and landslide protection.
- The proposed plan does not meet the setback limits of 50 feet from the middle fault and 25 feet from the western fault as recommended in the Dames and Moore Geology Report.

Section 5 *Report Fault Rupture and Geotechnical Investigation, AGRA Earth and Environmental, October 2, 1996*

Page 6 – “No indications of past or imminent slope instability were observed on the slope”

Page 9 – “Salt Lake County Ordinances specifies -----no structures designed for human occupancy shall be built astride an active fault.”

Page 18 – report once again signed by William J Gordon, 19 years after the Dames and Moore Report

Page 27 and 28 – Trench locations in Project site

Comments on Section 5 as they apply to the Project

- No trenches were cut “Inferred Trace of Wasatch Fault” (page 27), hence the Dames and Moore Report should stand.
- Mr. Gordon backs away from the 1977 report he authored in regards to fault locations and setback distance. This study adds little more than theory to the Dames and Moore report.

Section 6 *Supplemental fault Study Gordon Spilker Huber Consultants, June 22, 2006*

Page 3 – “The Northern building is somewhat impacted. ----trenching has shown ----the fault has been relocated to the east”

Page 4 – the report is once again signed by William J. Gordon

Page 11 – D column in Table I for Trench 1 6.0 to 8.5 feet.

Comments on Section 6 as they apply to the Project

- Mr. Gordon distances himself further from his previous fault locations and setback distances
- The fault angles in Table I vary too much for such a small area, suggesting they did not measure faults but ground settlement.
- The D factor in Table I does not take into account the oft mentioned 60 feet plus in numerous studies including the Dames and Moore 1977 report.
- Both the above factors erroneously decrease the setback distance, making the structure locations very difficult to defend.

Section 7

Page 1 – “The Wasatch fault dips in the 39 to 40 degrees to the west”

Page 3 – “the mouth of Little Cottonwood Canyon the fault forms a 50 meter wide graben with a 25 meter high main scarp and a 10 meter antithetic scarp.”

Page 9 – “The Little Cottonwood site ----- a 26 meter sequence revealed evidence for 7 different surface faulting events.

Comments on Section 7 as they apply to the Project

- The Wasatch fault displacement as measured in a variety of areas is larger by far than the D factors in the recent Project site studies.
- The Wasatch Fault, where exposed, is large in magnitude. Not the pencil line the Project developers use in their setback calculations.

Comments to Proposed Fault Set Back Distances

In reviewing the geology reports over the years, the following items have been noted:

In the Surface Fault Rupture Hazard Study conducted by AMEC and reported in June, 2004, three trenches were created in the property and fault lines were established. They stipulated the means by which fault set back (S) should be calculated for both upthrow and downthrow sites. The criteria for the upthrow calculations were "criticality by proposed occupancy" (U) set at a value of 2 and "expected fault displacement" (D) set at a value of 6 and, in fact, set at 9 for the "dipped to west fault." The set back for the upthrow calculation is then:

$$S = U(2D), \quad (1)$$

Hence, 24 feet for the east fault and 36 feet for the "dipped to west fault"

The setback for the downthrow set back is also given using U and D given above plus 2 other parameters, "maximum depth of footing" for the building (F) and "dip of fault", given as (θ), set at 75° . The set back for the downthrow calculation is then:

$$S = U(2D + F/\tan \theta) \quad (2)$$

This equation calculates additional setback requirements for the downthrow beyond the 24 feet for the upthrow.

The AMEC report stipulates that it was not possible to calculate the downthrow setback requirement because the depth of the building footings were not available. To our knowledge, the depth of the footings have not been submitted in the site plan. However, since building 1 is proposed to have underground parking, it would be expected that the footing would be several feet below the land surface and, hence, the downthrow setback would be significantly greater than 24 feet.

In a subsequent report from GSH, dated 2/17/2006, they recommended a minimum depth of embedment to be 30 inches (2.5 feet) to avoid frost damage. Using this value for F in equation 2 results in a minimum set back of 25 feet 4 inches for the east fault and, using 9 feet for the "dipped to west" fault displacement, the set back required would be 37 feet, 4 inches. As an example, if the depth of embedment were 8 feet, then the set back requirement for the east fault setback would be greater than 28 feet and, for the "dipped to west" fault would be greater than 40 feet. All values, including the assumption of a rather shallow footing, exceed the setbacks provided on the plan map of 24 feet for all buildings in all directions. Interestingly, the IGES consultants for the Cottonwood Heights submitted questions to GSH concerning their

calculation of downthrow setbacks and received a response on April 21, 2006 which estimated the downthrow set backs to be 24 feet based on a 30 inch embedment. This calculation seems to be a guess and is obviously not correct according to the required calculation which ranges from greater than 25 feet for the setback from the east fault and greater than 37 feet for the "dipped to west" fault according to the displacement estimate of 9 feet from the AMEC study reported in June, 2004.

Comments on the Proposed Fault Set Back Distances

It is clear from the above discussion that fault set back distances cannot be accurately determined until the depths of the building embedments are established by the developer. Moreover, the calculations provided for the downthrow set backs provided by GSH, assuming 30 inch footings is incorrect. In addition, it appears that the AMEC recommended displacement of 9 feet for the "dipped to west" fault was not utilized by GSH in their calculations.

Summary and Reasons for Denial of the Conditional Use Permit

1. The Project developer has taken every opportunity to fit the buildings into what appears to be an unsuitable site. No safety factors are cited in any of the studies. Normally a 1.25 safety factor is used when designing slopes in hazardous areas.
2. D factors, having a great impact on setback distance, are about 1/10th the movement as noted by Dames and Moore in their 1977 study.
3. The building on the north does not currently fit and will disappear when realistic D factors are used.
4. There is no justification for the setback calculations as they do not take into account landslide failures as stated and required in the 1977 Dames and Moore report.
5. Before consideration by the PC, the developer must establish the footing depths for each building and appropriately calculate the set back requirements for both upthrow and downthrow fault sites. These calculations should be done using the AMEC recommended displacement estimates for both the east faults (6 feet) and the Dipped to West Fault (9 feet).

Item 6

A prescriptive easement is created when the party claiming the prescriptive easement can prove that "use of another's land was open, continuous, and adverse under a claim of right for a period of twenty years. The prescriptive easement has been established for a minimum of 20 years according to Utah state law, citing the following court cases: " Valcarce, 961 P.2d at 311; Marchant vs. Park City, 788 P.2d 520, 524 (Utah 1990); and Savage Vs. Nielsen, 197 P.2d 117, 122 (Utah 1948).

The walk path through this property has been in continuous use for over 20 years. The use has been open and accessible and thus meets the requirements for a prescriptive easement under Utah law.

The Planning Commission must require preservation of this existing walk trail and require that this trail remain open for our community use.

Item 7

**ZONING ORDINANCE CONCERN AND REQUEST
RE: PUBLIC AND QUASI-PUBLIC USES**

We are strongly requesting the Planning Commission (PC) remove Public and Quasi-public use from the zoning ruling of Salt Lake County. According to item A in section 19.90.060 shown below, "...conditions may be attached to any zoning map amendment which limit or restrict the following..." If the PC cannot remove the public and quasi-public use component, it is extremely important that the building permit stipulates that the Complex is for Professional Office use as designated and any other public or quasi-public use is prohibited for the life of the property. The designation is for Medical, Dental and Professional offices only and this ruling is to be passed on to all owners for the future of the complex.. Something to that effect in PC terms.

The zoning is RM. Section 19.34.030(11) states that "{offices, professions and general business are conditional uses of the RM zone.

The County stated that the following conditions were to apply:

1. All uses are subject to conditional use ad approval limited to:
 - a. Office, business and /or professional
 - b. Medical, optical, and dental laboratories
 - c. Public and Quasi-public uses
2. {covered above}
3. Total building square footage limited to 50,000 gross square feet.

Note below the rationale. Listed are the possible uses under the R-M conditional use if the professional office complex changes hands or is unsuccessful. Once the buildings are in place, and with citing reasons why the complex is not successful as Professional offices, the owner could use this ruling and put in the space any of these possibilities noted in the 19.90.060 ordinance shown below as well as the city RM Zone ordinance Chapter 19.34 (also attached to this request).

COUNTY CODE OF ORDINANCE ON the SL COUNTY WEBSITE

19.90.060 Conditions to zoning map amendment.

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the county recorder.

C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition

shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

D. The attachment of conditions to any zoning map amendment shall not affect the applicability of the requirements of Chapters 19.84, conditional uses. (Ord. 1473 (part), 2001; Ord. 1148 § 2, 1991; Ord. 861, 1983; § 1(part) of Ord. 2560, passed 11/23/81; prior code § 22-1-8(6))

Definitions:

19.04.440 Public use.

"Public use" means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities. (Prior code § 22-1-6(57))

19.04.445 Quasi-public use.

"Quasi-public use" means a use operated by a private nonprofit educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools and universities, and similar uses. (Prior code § 22-1-6(58))

Note a listing of a few of the possibilities listed in *Prior code 22-1-6 of Quasi and Public Uses*

19.04.390 Nursing home.

"Nursing home" means an establishment where persons are lodged and furnished with meals and nursing care. (Prior code § 22-1-6(51))

19.04.400 Package agency.

"Package agency" means a retail liquor location operated under a contractual agreement with the state department of alcoholic beverage control, by a person other than the state, who is authorized by the state of Utah alcoholic beverage control commission to sell package liquor for consumption off the premises of the agency. (Ord. 1008 § 2, 1987; prior code § 22-1-6(78))

19.04.405 Parking lot.

"Parking lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Prior code § 22-1-6(52))

19.04.425 Private educational institutions having an academic curriculum similar to that ordinarily given in public schools.

"Private educational institutions having an academic curriculum similar to that ordinarily given in public schools" means private training schools and other private schools which are instructional

in nature, including laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to such instruction, but not including the repair, maintenance or manufacture of vehicles, goods or merchandise, not providing direct services other than instruction to the general public. (Prior code § 22-1-6(56))

19.04.435 Private nonprofit recreational grounds and facilities.

"Private nonprofit recreational grounds and facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, or a corporate sole. (Prior code § 22-1-6(80))

19.04.455 Resort hotel.

"Resort hotel" means a building or group of buildings, other than a motel, boardinghouse or lodging house, containing individual guestrooms, suites of guestrooms, dwelling units, and which furnishes services customarily provided by hotels. (Prior code § 22-1-6(85))

19.04.460 Restaurant.

"Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public for consumption on the premises primarily in indoor dining accommodations. (Prior code § 22-1-6(81))

19.04.470 School.

"School" means an institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. Home occupations represented as schools shall not apply (dance, music, crafts, child nurseries, etc.). ((Part) of Ord. passed 8/7/80; prior code § 22-1-6 (part))

19.04.475 Shopping center.

"Shopping center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit. (Prior code § 22-1-6 (part))

19.04.550 Use, accessory.

"Accessory use" means a subordinate use customarily incidental to and located upon the same lot occupied by a main use. (Prior code § 22-1-6(68))

19.44.030 Conditional uses.

Conditional uses in the R-M zone include:

- Airport;
- Apartments;
- Apartments for elderly persons;
- Banks;
- Bed and breakfast homestay (provided it is located on a lot which has a minimum area of ten thousand square feet);
- Bed and breakfast inn, which may include conference meeting rooms;
- Boardinghouse;

- Cemetery, mortuary, etc.;
- Day care/preschool center;
- Dwelling group.

- A. The development shall comply with the maximum allowable density for the R-M zone.
- B. The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than fifteen feet unless demonstrated by the development plan that the yard required for a principal building in the district in which it is located is more appropriate. The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than twenty feet.
- C. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall not be less than twenty feet wide for one or two rear dwelling units, and not less than thirty feet wide for three or more dwelling units.
- D. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with county standards.
- E. Every dwelling in the dwelling group shall be within sixty feet of an access roadway or drive.
- F. The development plan shall provide landscaping as specified in Chapter 19.77 of this title. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.
- G. The development shall be approved by the development services director and the county fire chief before final approval is given by the planning commission.

- Electrolysis of hair;
- Golf course;
- Gymnastics, dance, dramatic, cosmetic, modeling and art studios for instructional purposes only;
- Home day care/preschool, subject to Section 19.04.293;
- Hospital;
- Hotel;
- Lodginghouse;
- Massage (every massage technician shall be licensed by the state);
- Medical, optical and dental laboratories, but not to include the manufacture of pharmaceutical or other products for general sale or distribution, and also not to include the use of animals;
- Mobile home park;
- Nursery and greenhouse, excluding retail sales;
- Nursing home;
- Office, business and/or professional;
- Parking lot;
- Pigeons, subject to health department regulations;
- Planned unit development;
- Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
- Private nonprofit recreational grounds and facilities;
- Public and quasi-public uses;
- Rail transit mixed-use, provided it meets the following requirements:
 - A. The planning commission shall determine the density based on the specific development proposal, site location and surrounding land uses.
 - B. The property is located within one-quarter mile of a rail station.
 - C. Buildings and impervious areas shall not cover more than eighty percent of the site.
 - D. Office uses shall be allowed on the first and second floor of buildings fronting on a public street.
 - E. Parking is not allowed between the building and the public street.
 - F. The front yard setback shall be fifteen feet and the side and rear yards shall be twenty feet

minimum. Corner lots are deemed to have two front yards.

G. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building must be built within ten feet of the build-to-line or as approved by the planning commission.

H. The planning commission shall determine the amount of parking required based on projected transit usage and other guidelines found in Section 19.80.090, "Planning Commission Exceptions."

I. All development in the rail transit mixed-use area shall conform to the Rail Transit Mixed-Use Development Guidelines adopted by the planning commission. The planning commission has the authority to modify or waive guidelines as necessary during development review.

— Reception center and/or wedding chapel;

— Residential development with any number of dwelling units per structure per lot, pursuant to Section 19.44.040;

— Residential health care facility;

— Shared parking;

— Short-term rental provided:

A. A full-time manager lives on the property. The full-time manager may be the owner of the property; and

B. Except for the manager's dwelling unit, all of the dwelling units on the property, lot, planned unit development, or dwelling group shall be rental units, short-term or long-term.

— Sportsman's kennel (minimum lot area one acre);

— Tanning studio;

— Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction and thirty days after notice, the buildings will be removed by the county at the expense of the owner;

— Veterinary; provided, that:

A. The operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line,

B. There is no sale of merchandise on the premises, and

C. There is no overnight boarding of animals.

(Ord. 1609 § 10, 2007; Ord. 1574 § 2 (part), 2005; Ord. 1539 § 12, 2004; Ord. 1535 § 5 (part), 2004; Ord. 1473 (part), 2001; Ord. 1416 § 2 (part), 1998; Ord. 1367 § 7, 1996; Ord. 1331 § 4, 1996; Ord. 1293 § 2, 1995; Ord. 1228 § 2 (part), 1993; Ord. 1216 § 2, 1992; Ord. 1198 §§ 9 (part), 11, 1992; Ord. 1179 § 6 (part), 1992; Ord. 1118 § 6 (part), 1990; Ord. 1115 § 5 (part), 1990; Ord. 1088 § 6 (part), 1989; (part) of Ord. passed 12/15/82: prior code § 22-22-3)

Note attached is the City's R-M Zone conditional use possibilities.

19.34.030 None are appropriate for this space.

The Addendum attached to this report contains photographs of the proposed project site taken from nearby residences and facts that verify the non-compliance with the Conditional Use Ordinance, 19.84.080 2(b, d, k, n, o).

Chapter 19.34
RM -- RESIDENTIAL MULTI-
FAMILY ZONE

Sections:

- 19.34.010 Purpose.
- 19.34.020 Permitted uses.
- 19.34.030 Conditional uses.
- 19.34.040 Minimum lot size.
- 19.34.050 Minimum lot width.
- 19.34.060 Setbacks/yard requirements.
- 19.34.070 Maximum height of structures.
- 19.34.080 Maximum lot coverage.
- 19.34.090 Open space requirement.
- 19.34.100 Master development plan required.

19.34.010 Purpose of chapter.

The purpose of the RM zone is to provide areas in the city for high-density residential development.

19.34.020 Permitted uses.

Permitted uses in the RM zone are as follows:

1. Single-family dwellings, attached or detached;
2. Accessory buildings customary to multi-family and single-family residential buildings; and
3. Home occupations.

✕ 19.34.030 Conditional uses.

Conditional uses in the RM zone are as follows:

1. Bed and breakfast;
2. Churches;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Dwelling group, provided that:
 - (a) The parcel of ground on which the dwelling group (as defined in chapter

19.04, "Definitions") is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

(b) The distance between principal buildings shall be equal to the total side yards required in the zone. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between any building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

(c) Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

(d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

(e) Every dwelling structure in the dwelling group shall be within 60 feet of an access roadway or drive.

(f) The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual fences shall be provided along all interior property lines unless the planning commission approves otherwise.

5. Golf course;
6. Hospital;
7. Hotel;
8. Lodging house;
9. Multiple unit dwellings, either apartments or condominiums;

COTTONWOOD HEIGHTS
CODE OF ORDINANCES

10. Nursing home;
11. Offices, professions and general business;
12. Planned unit development;
13. Private parks and recreational grounds;
14. Public and quasi-public use;
15. Radio and/or television tower;
16. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
17. Two-family dwellings;
18. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and
19. Public schools.

19.34.040 Minimum lot size.

The minimum lot size in the RM zone is 10,000 square feet for each single-family or two-family dwelling, with 2,000 extra square feet for each additional unit in a building with more than one unit.

19.34.050 Minimum lot width.

The minimum lot width in the RM zone is 65 feet measured 30 feet from the front lot line.

19.34.060 Setbacks/yard requirements.

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 30 feet.

Sides: On interior lots, a total of at least 25 feet between the two side yards, with

no side yard of less than ten feet. On corner lots, at least 30 feet per side yard.

Rear: 30 feet.

Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.

Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

19.34.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. Accessory Buildings.

No accessory building shall exceed 20 feet in height. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional

foot from the minimum setback to allow a maximum height of 20 feet.

19.34.080 Maximum lot coverage.

The maximum lot coverage in the RM zone is 50%, including all structures.

19.34.090 Open space requirement.

The minimum open space requirement for developments over two acres in the RM zone is 15%.

19.34.100 Master development plan required.

Any development of land in the RM zone shall be subject to the requirements of a master development plan approved by the planning commission.

Addendum to Item 4

Emergency Evacuation or Emergency Vehicle Access in Case of a Disaster.

Safety and health: If earthquake or other disaster strikes the Wasatch area. Wasatch Blvd is the main and only artery for thousands of people to receive emergency supplies, to evacuate, etc. This size of complex will collapse right over the Wasatch Blvd blocking it in the event of an earthquake. In addition to the residents, hundreds of people working in the complex will be in need of emergency services.

Light pollution buffering is not adequate: Commercial lighting standards can not be used for a complex in a residential area. Residential lighting and lighting posts 10 feet are most appropriate. Lights would be out no later than 7 PM inside and outside the building except for street lights and inside "night" lights which are in keeping with the residential neighborhoods. Suggest safety lights are motion sensors and do not stay on. They would come on when triggered by motion. Parking lot lights would be no higher than street lights (10 feet in residential area, note bottom of Prospector and corner of Quicksilver.) They would go off at 7 PM. Every effort needs to be taken to prevent any glare and any indication this even remotely looks like a commercial setting.

Noise pollution buffering is neither adequate nor harmonious with neighboring district: By bulldozing natural noise buffers and putting in an asphalt parking lot, one will compound the reverberating and echoing noise throughout the neighborhoods, esp. above the property. Car doors closing, idling cars to keep cool or warm and which are waiting for people who are inside, people talking, etc. Of great concern are the air conditioners which will have an annoying humming or whirring sound and click on and off. These will be large units and need to be encased in sound proof and concealed containers. Every noise will be compounded. Traffic noise will also lack a buffer. Noise will be compounded exponentially. (If you take a carpet from a room and put in a stone floor, the noise increases significantly.) The landscaping will not make up for the "natural carpet" of the natural land covering being removed and being replaced with large buildings and a very long parking lot. Of note, One cannot compare steady movement of cars on the highway to slamming car doors, and all the above mentioned noises which are all added to increase the noise decibels significantly. Noise decibels impact one's health, comfort and welfare.

Operating hours: These are not Harmonious with neighboring district. for both construction and when open for business. We do not know what the operating hours would be as they are not indicated anywhere. Operating hours would also be 8 am to 6 PM with no holidays in keeping with the surrounding homes. People like to enjoy a quiet evening after working all day and a peaceful holiday. No extra noises and minimal light pollution as possible should be mandated.

Construction noise will be maddening, especially with the large machinery needed for this project. This greatly impacts the health and comfort of the persons residing in the area.. The echoes and vibrations in the area will be extremely disruptive to the peaceful residential

environment.. Construction times of 8:00 AM to 6 PM on week days only should be specified, no week ends or holidays are strongly recommended.

Buffering of the visual effects is not adequate. Homes on Quicksilver and Prospector are above the tree line of the property. The parking lot will replace the natural surroundings of the land. Brown asphalt pavement is strongly recommended. Large buildings will be viewed instead of the esthetic balance of dispersed single family homes. No matter the design, these proposed buildings are far from harmonious with the residential settings of the surrounding neighborhoods.

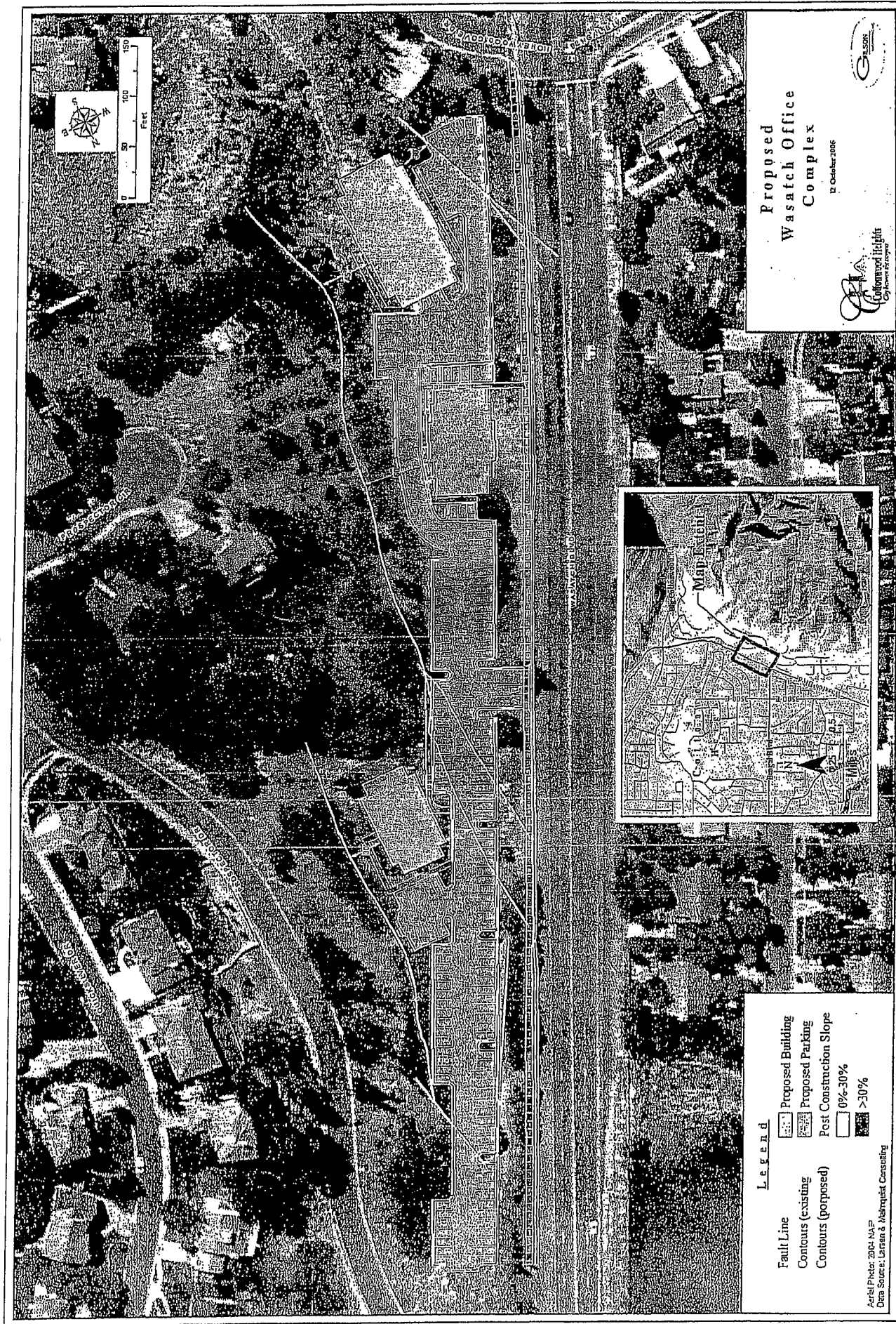
Pictures are included in this document to show that the complex is in full view even with trees on the property. Trees are in bloom 4 months of the year. They are bare 8 months. Therefore, the noise will be even more compounded and the visual impact will be more disrupted during this time.

Health Safety and Welfare: Major concern is that offices are closed on weekends and holidays. During non-business hours, gated entry will prevent use of the parking lot as a park and ride for skiers. It would also prevent teens from parking and partying. Gate would be open during hours of operation. From 6 pm on, the gate would need an access code card. If an employee needs to come into the office on the weekend or a holiday for any reason, they would use the key card.

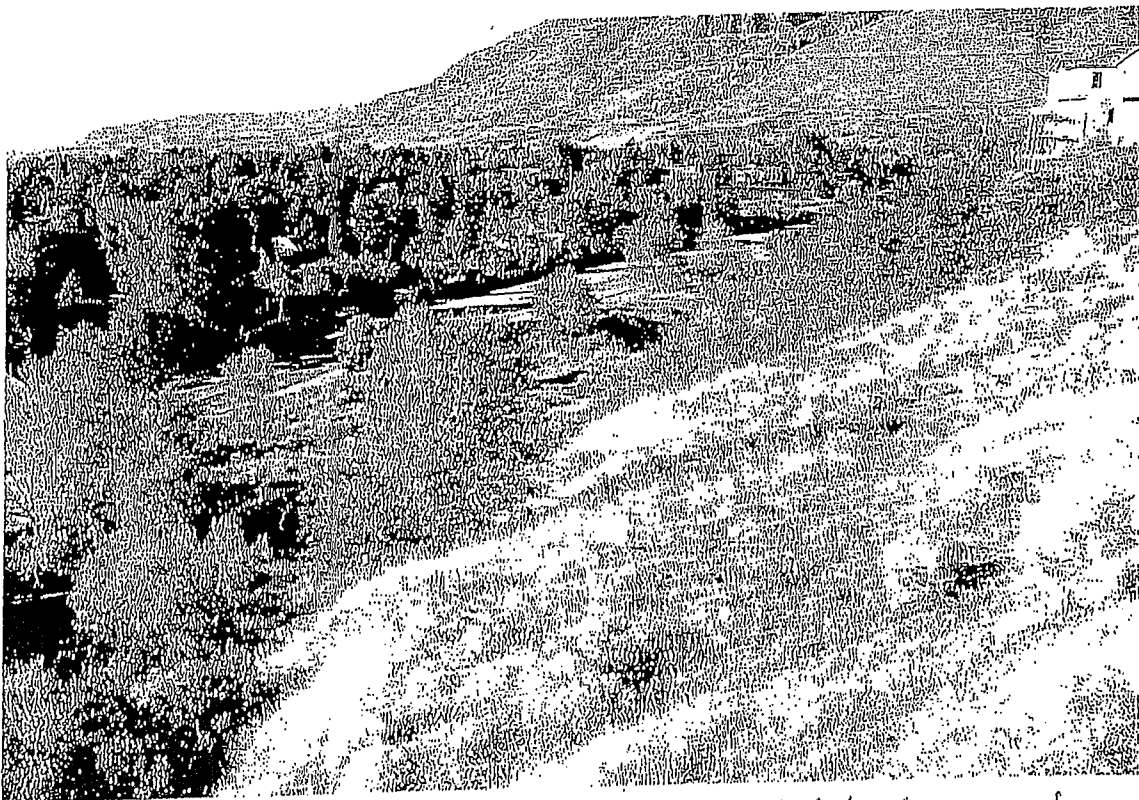
Respecter

Avenida

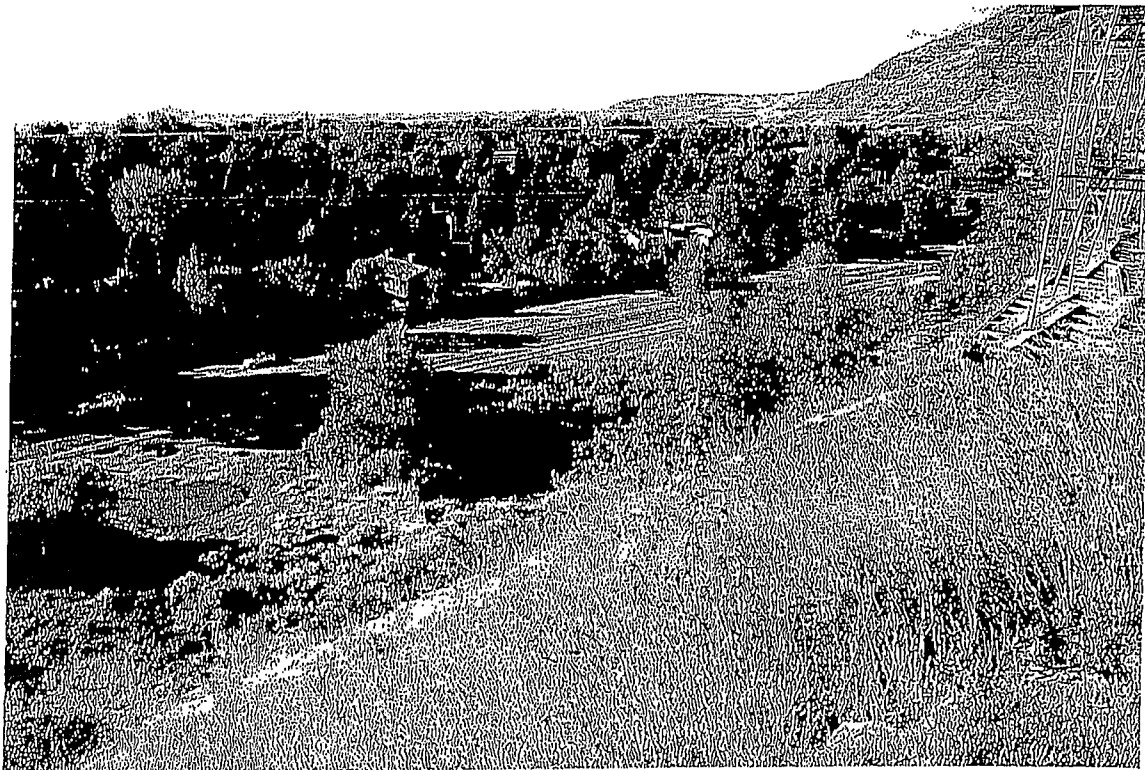
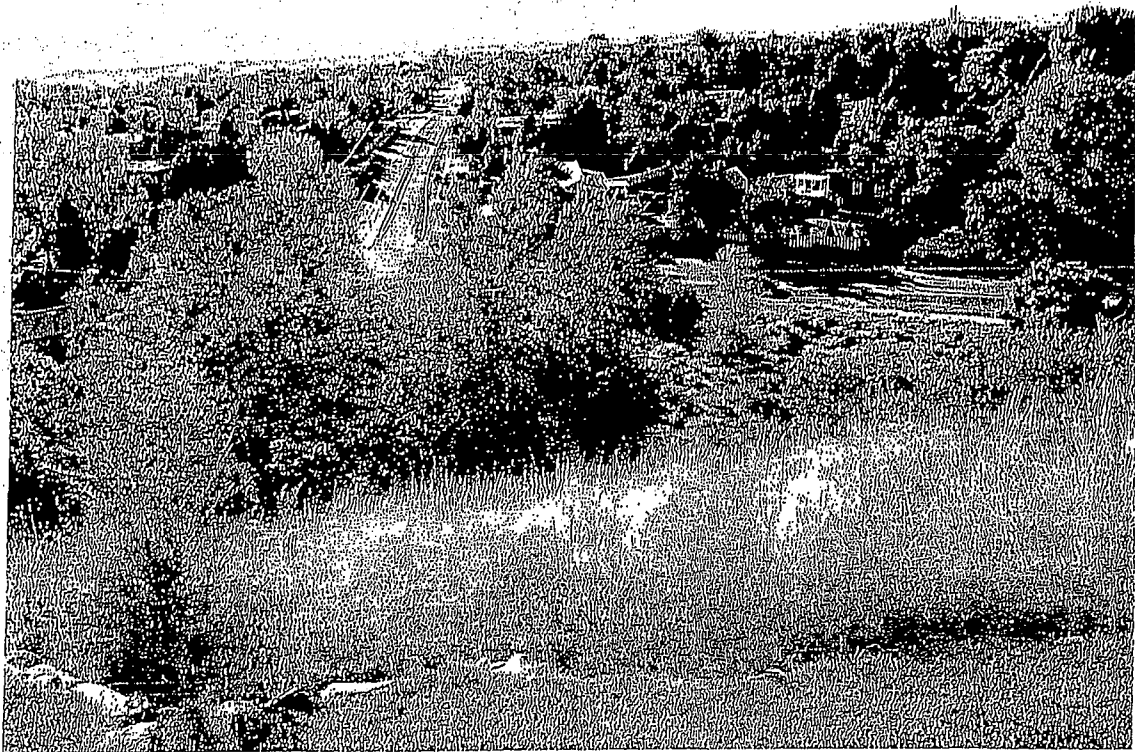
Top of the World



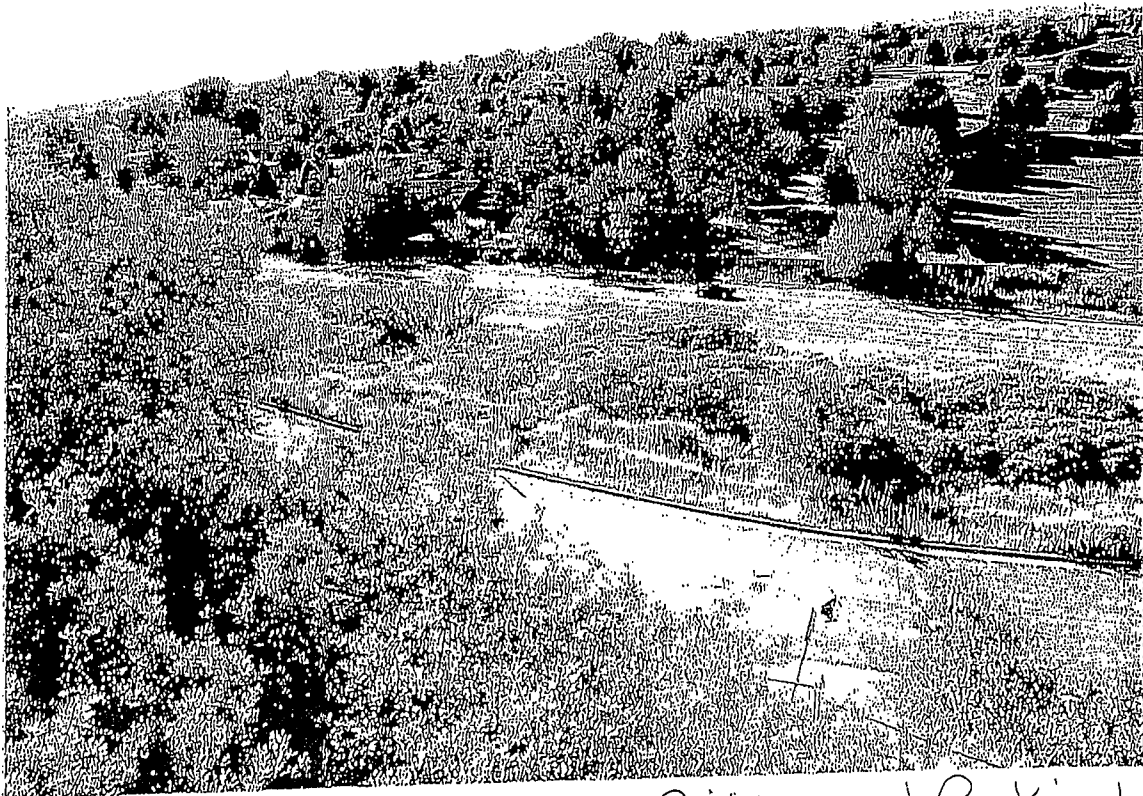
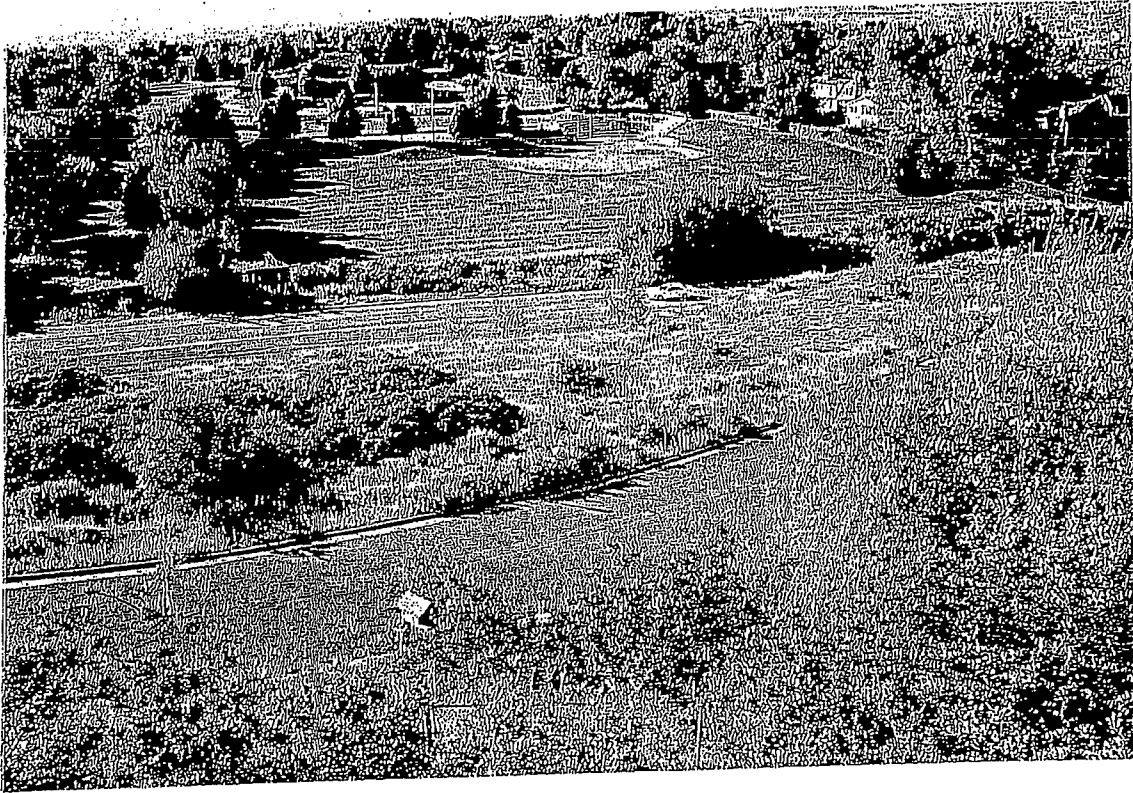
Straight on view of entire Complex - All homes on West side of Wasatch Blvd
 ↑ noise - light pollution -



Prospector / Top of the World intersect
P.L. 1. 2 - 3. Parking lot - lighting



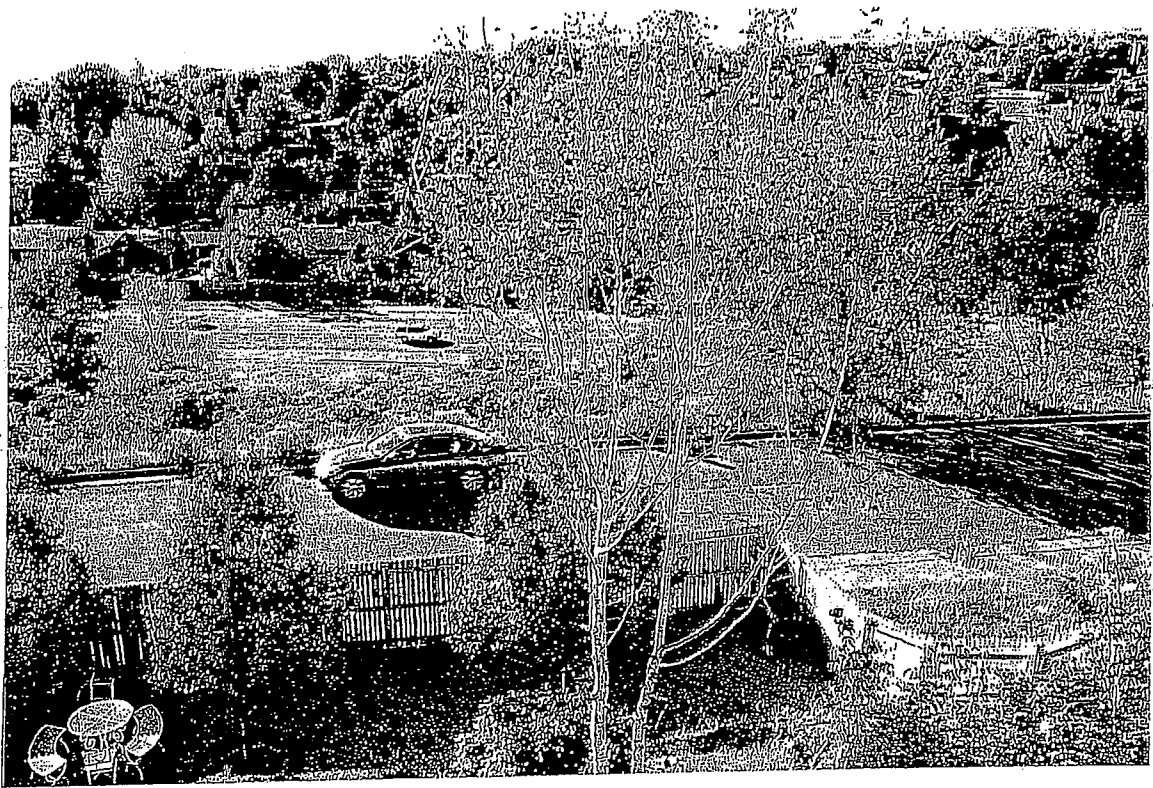
Prospector Circle - Bldgs. 1-2 & 3
 Parking lot - lighting - noise - esthetic



7668 Quicksilver Building 3 & Parking lot
lighting - noise



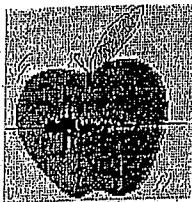
7696 ~~Prospector~~^{Quicken Loans} Bldgs 2 & 3 - Parking lot
lights - noise - View



7710 Quicksilver Dr
Bldg 3 Parking lot - lighting - noise



7356 Quicksilver Dr Bldg 2 & 3 -
Noise - light



U of U Seismograph Stations Research:

The Earthquake Clock on the Wasatch Fault

(1)

The Wasatch Fault

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Grades](#)[Web Sites
for 9th to 12th
Grades](#)

X The Wasatch Fault is the largest fault of its type in the world. Like all active faults in Utah, the Wasatch Fault was created and is still active because the Earth's crust is being stretched, or extended, in an east-west direction. For more information on why earthquakes occur in Utah, see the ["Active Fault Information"](#) page.

We know there have been many large earthquakes on the Wasatch Fault in the past. In many places there are fault cliffs. One place these cliffs are visible is the [mouth of Little Cottonwood/Bells Canyon](#) in southern Salt Lake County. The Utah State Geological Survey has mapped the exact location of the Wasatch Fault in Davis, Utah counties. Click on the county you are interested in to view these maps.

The earthquake clock, or time interval between earthquakes, for the Wasatch Fault is a very large unknown. The Wasatch Fault is unusual in that it rarely has earthquake activity, a condition seismologists call "aseismic" or without earthquakes. Earthquake monitoring at the University of Utah Seismograph Stations since 1960 shows that there is very little [earthquake activity related to the location of the Wasatch Fault](#).

The reason for the lack of small to moderate earthquakes is not known. Some faults do have small earthquakes on a fairly regular basis. These frequent small earthquakes may be preventing the build up of large forces (strain) in the rock, thus preventing large earthquakes. There is concern that this is not happening on the Wasatch Fault and thus the fault is "locked" and that a significant amount of strain is building within the rocks which will ultimately result in large earthquakes.

The last earthquake which may have occurred on the Wasatch Fault is the magnitude 4.3 earthquake which occurred under Herriman, UT in 1992. This earthquake occurred at a shallow level and instrumentation limitations prevented the positive identification of this earthquake happening on the Wasatch Fault as opposed to a nearby "blind" fault. It is certainly possible that this earthquake occurred on the Wasatch Fault, but movement on another fault cannot be ruled out.

Pinpointing exact locations for earthquakes is a common problem throughout the world. When an earthquake happens, the location in the

Earth's crust is determined by the triangulation method. (This link is a series of activities where you can learn how to locate an earthquake by using seismograms). The triangulation method has uncertainty associated with it that is reduced when a large number of seismograph machines are available to record an earthquake from several different directions. It is rare to have sufficient seismograph coverage to pinpoint the location of a single earthquake in the Earth's crust so that there is small uncertainty and so that the earthquake can be assigned to a particular fault with confidence. This type of seismograph coverage is expensive and is currently not available in Utah. (2)

The best way of locating which fault has moved is to track a whole series of earthquakes that occur on the fault. For instance, after the magnitude 6.7 Northridge California earthquake, there were hundreds of aftershocks that followed the main shock. These aftershocks occurred for several months, but were most frequent in the days following the main shock. Seismologists recorded the swarm of earthquakes using portable instruments brought in for this purpose and then used the triangulation method to locate each one. When the locations of the entire set of earthquakes were plotted, the set outlined a planar feature in the Earth's crust which was the fault that had moved.

For a diagram of Northridge aftershocks outlining fault plane

<http://www-socal.wr.usgs.gov/mori/north.html>

For an animated view of the Northridge aftershocks (need JAVA)

<http://www.scecdc.scec.org/Mpegs/smallavs.mpg>

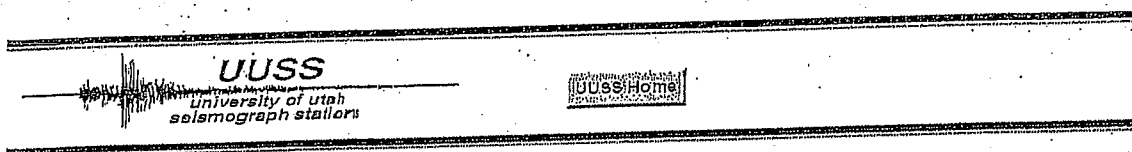
Because the Wasatch Fault has very few earthquakes and because the earthquakes that seem to occur on this fault have been small and isolated (single) events, it is very difficult to determine if the earthquake actually occurred on the Wasatch Fault or on a nearby "blind" fault. Seismologists and technicians at the University of Utah Seismograph Stations stand ready to rapidly deploy portable instruments in the case of a moderate to large earthquake in Utah, so that they can use the same technique used at Northridge to answer the question of "Which fault moved in the earthquake?"

So... What Is the Earthquake Clock for the Wasatch Fault?

There is no earthquake clock for small to moderate earthquakes on the Wasatch Fault. The lack of identified earthquake activity on the Wasatch Fault means that seismologists cannot determine the "earthquake clock" for small to moderate earthquakes on this particular fault. The danger from these earthquakes is real, but seismologists cannot accurately determine the risk. There is however, an earthquake clock for the entire Wasatch Front region that has been determined by various seismological data. There is a somewhat more precise clock for large magnitude (>6.5)

earthquakes on the Wasatch Fault. This clock is determined by much different methods that are explained on the "Paleoseismic earthquake clock" page. This technique studies large prehistoric earthquakes in order to determine their recurrence interval and assess the future risk of large earthquakes on the Wasatch Fault

(3)





The Wasatch Fault is one of the longest and most active faults of its type in the world, and contributes to the Wasatch Front's designation as having the greatest earthquake risk in the interior of the western United States.

May 25, 1999

The Wasatch Fault - An Active Seismic Zone

The Wasatch Front is in an active seismic zone stretching from Nephi on the south to Brigham City on the north along the foot of the Wasatch Mountain Range. Nearly all of the state's population resides along this narrow band that comprises about 2 percent of the area of the state. The Wasatch Mountains have been described as forming one giant fault scarp along the foot of the range by prolonged movements over millions of years. A fault is defined as a geological break in the materials of the earth's crust along which one side of the break has been displaced relative to the other side. Some of the most pronounced fault scarps are located at the mouths of Little Cottonwood and Bells Canyon in eastern Salt Lake County. The fault is intertwined with major water facilities. For example, the Wasatch Fault passes just below the Big Cottonwood Water Treatment Plant at the mouth of Big Cottonwood Canyon. The Salt Lake Aqueduct, a major water conveyance pipeline from Provo Canyon and Deer Creek Reservoir, nearly runs parallel with the fault. The East Bench segment of the Wasatch Fault cuts across nearly all of the city's east to west running water, sewer and stormwater utilities.

Since the Mormon pioneers settled the Salt Lake valley in 1847, there have been numerous earthquakes but none have been destructive. However, because of the geology of the area, experts predict a major earthquake will strike the front sometime in the future. According to the Utah Geological Association, "A major earthquake striking the Wasatch Front is not a question of if, but when." As the Salt Lake area continues to grow into a major metropolitan center, the potential for property damage and deaths increases from a destructive earthquake that is predicted to occur sometime in the future.

X The Wasatch Fault produces a major quake about every 350 years. The largest measured earthquake of 6.7 on the Richter Scale occurred on October 6, 1909 in the Hansel Valley in northwestern Utah, which was felt over a 30,000 square mile area. There were a number of strong quakes within the Salt Lake City area

during May 1910. The largest earthquake measured in Salt Lake County was recorded on September 5, 1962, with the epicenter located in the Magna area. This event was 5.2 on the Richter Scale. There was some minor damage from this event.

(5)

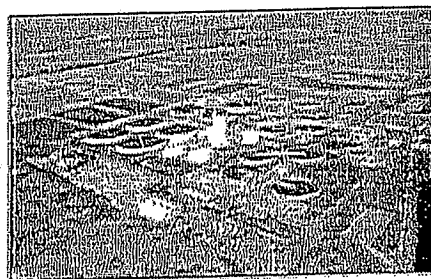
There is almost daily seismic activity within the state of Utah. According to the Utah Geological Survey "During the period July 1, 1998 through September 30, 1998, the University of Utah Seismographic Stations located 260 earthquakes." Only one was in the magnitude of 4, three were in the range of magnitude 3 and the others were in the lower ranges. Based on this activity, it appears that about 1200 seismic events occur annually within Utah.

Liquefaction

In recent years there has been growing concern about liquefaction in the low-lying areas of the Salt Lake valley. "Liquefaction may occur when water-saturated soils are subject to earthquake ground shaking. When soil liquefies, it loses strength and behaves as a viscous liquid (like quicksand) rather than a solid. This can cause buildings to sink into the ground or tilt, empty buried tanks to rise to the ground surface, slope failures, nearly level ground to shift laterally tens of feet, surface subsidence, ground cracking and sand blows." This is of special concern for utility facilities near the Jordan River northward, encompassing the area adjacent to the Great Salt Lake. The City's wastewater treatment plant is located within the liquefaction zone. Major water and sewer lines cross this area.

Salt Lake City's Utility Infrastructure

Much of Salt Lake City's utility infrastructure was constructed before seismic codes were adopted. There were no formal building codes in Utah, which required earthquake-resistant construction until 1968. At that time the area was classified as a Zone (of Seismicity) 2 and construction standards were incorporated in the Uniform Building Code that reflected the seismic risk. This was changed to a Zone 3 in 1969. A Zone 3 classification has the potential of having an earthquake in the magnitude of 7.1 on the Richter scale. When new facilities are constructed or old ones reconstructed, they are brought up to current code requirements. Certain vulnerable or critical facilities are designed to Zone 4 standards.



Seismic improvements are being made at the City's wastewater treatment plant. Many of the plant's unit processes were constructed before the uniform building code established seismic standards.

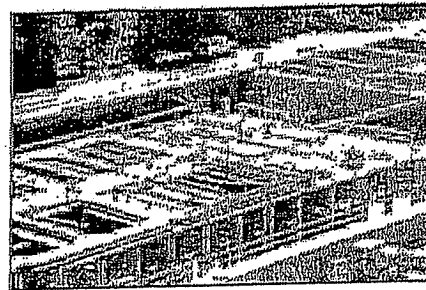
It has been the policy of the Department of Public Utilities to methodically bring its older key facilities up to current seismic code. Recognizing that the utility infrastructure is critical to the public well being, every attempt is being made to ensure that it will survive an earthquake and continue to provide service during and after an emergency resulting from an earthquake or any other disaster.

Emergency Response Plan

It is further recognized that it is impossible to predict the time, place and extent of damage to utility facilities, therefore, the Department is preparing an "Emergency Response Plan" to respond to damage resulting from an earthquake. In many cases common sense measures such as securing items from falling, or removing heavy items from the top of storage shelves in the storehouse areas can prevent injury or damage from an earthquake event. This is an on-going effort, and requires constant attention as conditions and personnel are constantly changing. Likewise, emergency preparedness and response training require constant attention as it is easily forgotten in the day to day work of the Department.

Capital Improvements Program

In preparing the Department's capital improvements program, upgrading major facilities to meet seismic code is a major consideration in setting priorities. The older the facility, the most likely that it does not meet current building codes. A good example is the 5th South and 1500 East Reservoir reconstruction project. During the demolition process, the reinforcing bars were observed in the 1915 structure. There was 0.1-inch diameter wire mesh (4-inch spacing) holding the concrete structure together. The new construction material is closely spaced 0.6-inch (No.6) re-bar. The rebuilt reservoir now should be able to withstand a major earthquake and continue to perform. It is doubtful the old structure would have withstood a major earthquake based on the reinforcing steel and thickness of the concrete.



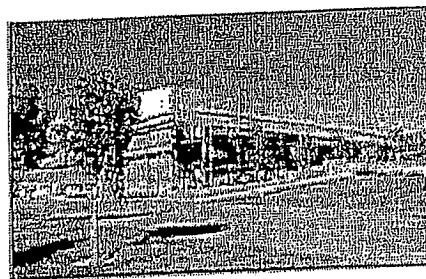
The Parleys Water Treatment Plant was reconstructed in 1991-92 with extensive seismic improvements to the structure.

The following major structures have been reconstructed over the past years to meet current seismic codes:

- The new Big Cottonwood Conduit, constructed in 1982, was designed with special seismic joint restrainers.
- The Public Utilities Maintenance Complex at 1530 South Jefferson was reconstructed to meet seismic code in 1991. This is the center of operations and maintenance, equipment, maintenance parts and communication.
- The Public Utilities Office Building at 1530 South West Temple was enlarged and reconstructed to meet code in 1990. This is the center of engineering, administration and a communications center.
- The Parleys Water Treatment Plant was enlarged and reconstructed to meet code in 1991.
- All of the Department's distribution reservoirs were evaluated in 1992 and a program implemented to make

Wasatch Fault Earthquake Preparedness

seismic improvements. The first tanks to be seismically retrofitted were the two concrete East Bench tanks in 1996. Experience has shown that steel distribution tanks can buckle or move off their foundations during an earthquake. To prevent this each of the Department's tanks is retrofitted with a new foundation and then fastened to the new foundation. Four steel tanks were completed in



Public Utilities Office Building was retrofitted in 1990 to meet seismic codes.

- All three of the Department's storage dams, Mt. Dell, Lake Mary Phoebe and Twin Lakes have been studied and are in compliance with the state of Utah's high hazard dam safety standards, which includes seismic analysis.
- The 5th South 1500 East and Samuel Park Reservoirs were reconstructed and brought up to code in 1996 and 1998 respectively.
- The Big Cottonwood Water Treatment Plant and Filter Building were reconstructed to code in 1997-98. New structures were designed and constructed to Zone 4 requirements.
- Under the City's 1982 Wastewater 201 Facilities Plan, all of the work at the Water Reclamation Plant has been done under the new code. A detailed "Earthquake and Liquefaction Engineering" study was conducted in 1991. Subsequently, extensive seismic improvements were made to the 1953- built main pumping plant, including a new building to house the back-up power generator. However, there are major unit processes that were constructed in 1965 prior to the new code requirements. Every effort is being made to strengthen the wastewater treatment facility to withstand a major earthquake and potential liquefaction. An emergency pumping plan has been adopted to provide for emergency pumping to by-pass the plant in the event that the main pumping plant or treatment facility cannot function due to an earthquake event.

New Utility Facilities

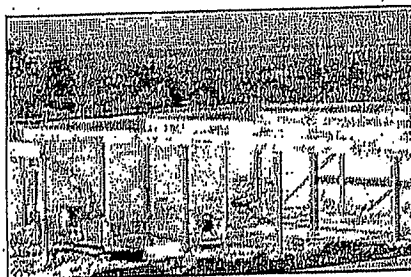
One of the reasons that the Jordan Aqueduct was located on the west side of the Salt Lake valley was to provide two aqueducts feeding water to the valley. The Salt Lake Aqueduct on the east side parallels the Wasatch Fault, and it's less likely that both aqueducts would fail in the event of an earthquake.

The US Army Corps of Engineers has constructed the 21,500 acre-foot Little Dell Dam to meet seismic standards. This new facility is designed to withstand a major earthquake.

All new construction since 1970 has met the Zone 3 code. In time, as the older facilities are replaced or upgraded, these critical lifeline water, sewer and stormwater structures will meet the code.

Conclusion

Based on current information, the chances for a major earthquake of a magnitude 7.0 or greater along the Wasatch Front is 30 percent in 100 years. The probability of such an earthquake on the Wasatch Fault in Salt Lake City may be as high as 57 per cent in 100 years. A 7.0 or greater earthquake would cause severe damage to the highly populated Salt Lake valley. It's a risk we choose when we live in the shadow of the Wasatch Mountain Range. Building codes will help the survivability of such an event. The Department of Public Utilities is preparing for such an event by bringing its major utility facilities up to current seismic code standards and developing an "Emergency Response Plan." In this manner we will better the odds that critical facilities will survive a seismic event, and in the aftermath successfully respond to the emergency and repair damaged facilities in order to minimize the disruption of services.



The 14.5 million-gallon Park Reservoir is a key distribution reservoir reconstructed in 1998, meeting current seismic standards.

Select References

Utah Geological Survey – Fault Forum, Sandra N. Eldredge

Environmental Geology of the Wasatch Front 1971, Utah Geological Association Publication, p.42H, 44H

Liquefaction, www.ugs.state.ut.us/liquify.htm

Environmental Geology of the Wasatch Front, 1971, UGA Publication, p.H14

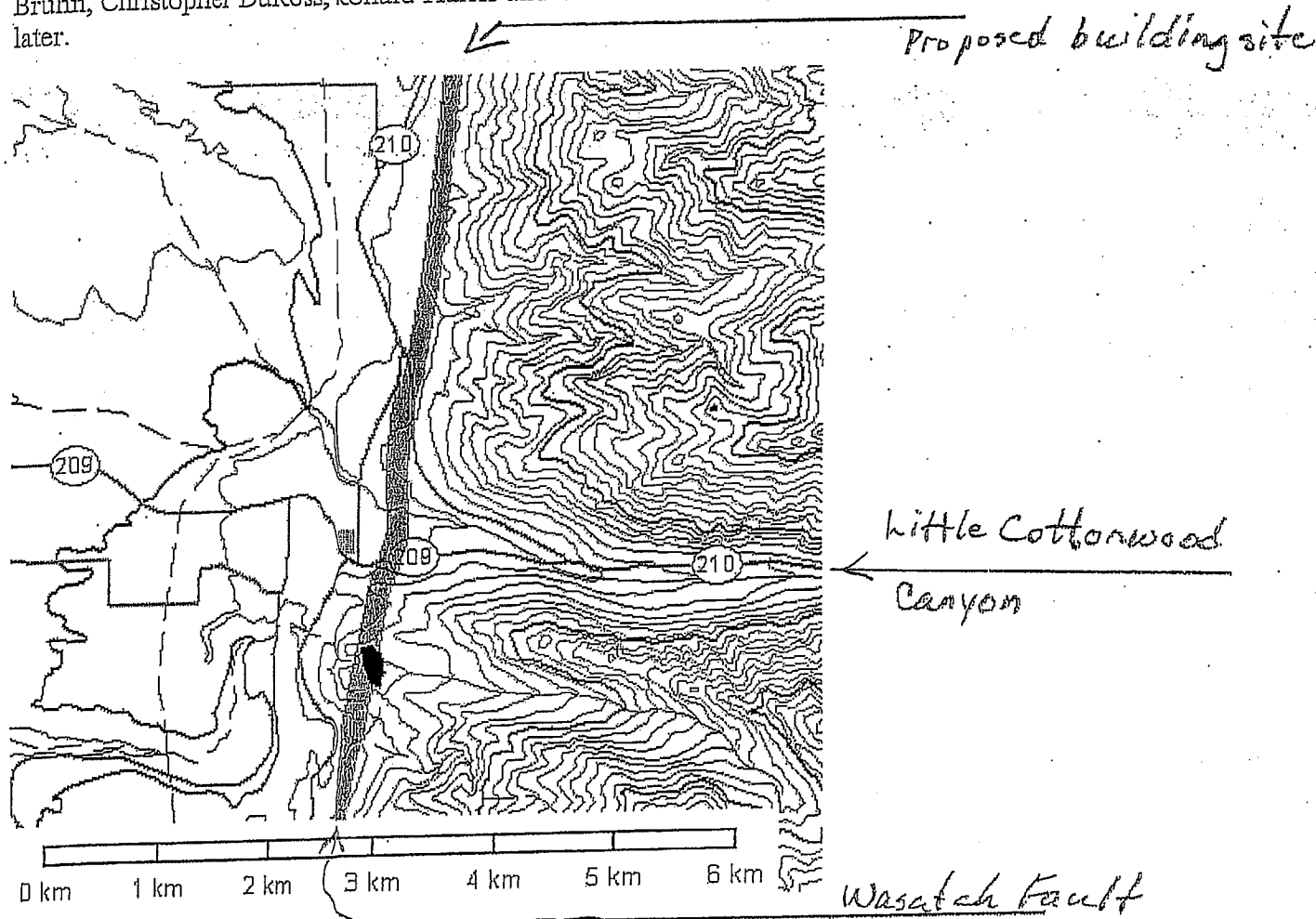
Utah Geological Survey, www.ugs.state.us.us/presseq.htm; January 16, 1996, "Major Wasatch Front Earthquake More Likely Than Originally Thought."

Questions regarding this article can be directed to: leroy.hooton@ci.slc.ut.us

Wasatch Fault, Little Cottonwood Canyon, Utah

Steven Dutch, Natural and Applied Sciences, University of Wisconsin - Green Bay
 First-time Visitors: Please visit Site Map and Disclaimer. Use "Back" to return here.

These photos were taken on a Geological Society of America field trip, October 15, 2005, run by Ron Bruhn, Christopher DuRoss, Ronald Harris and William Lund, supplemented by others taken a few days later.



Little Cottonwood Canyon is a marvelous glacial trough that exits through the Wasatch front. Adjacent to the front, the Wasatch Fault (green, above) offsets glacial moraines. A graben along the fault is shown in red. A geological overlook (yellow) offers views.

Left and below: distant views of Little Cottonwood Canyon. The smaller glacial trough

EARTHQUAKE FAULT MAP OF A PORTION OF SALT LAKE COUNTY, UTAH

UGS Public Information Series 3

(2)

This map is general reference only.

Detailed maps are available at the Salt Lake County Planning Department.

Related Maps:

USGS MF-2114, 1990 (S.F. Personius & W.E. Scott)
USGS I-2106, 1992 (S.F. Personius & W.E. Scott)

Explanation

Known trace of fault with
evidence of Holocene
(about 10,000 years ago
to present) movement.

Dashed where
concealed or inferred.

*Proposed Buildings
Directly on Wasatch Fault*

Scale

0 1 2 MILES
0 1 2 3 KILOMETERS

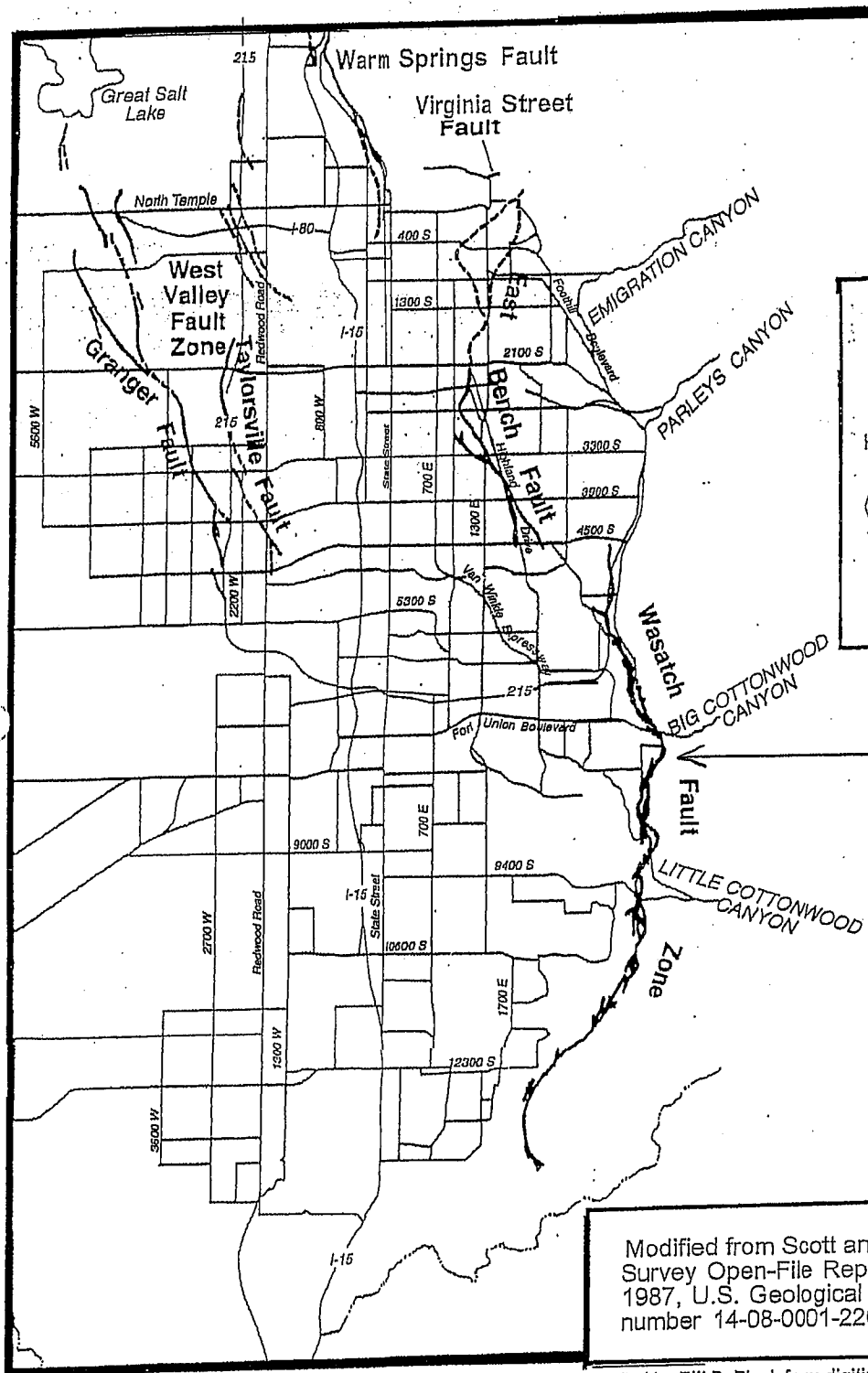


Modified from Scott and Shroba, 1985, U.S. Geological Survey Open-File Report 85-448; and Keaton and others, 1987, U.S. Geological Survey Technical Report, Contract number 14-08-0001-22048

Drafted by Bill D. Black from digitized map provided by Craig V. Nelson, Salt Lake County Planning Department.

UTAH GEOLOGICAL SURVEY
Richard Allis, Director
1954 W. North Temple, #3110
Salt Lake City, Utah 84114-6100

The Utah Geological Survey is a division within the Department of Natural Resources



ugs / utah geology / geologic hazards / earthquakes & faults / ibc maps

3

Earthquake Ground Shaking Levels for the Wasatch Front

2003 International Building Code, 0.2 and 1 second spectral response acceleration maps

The Utah Seismic Safety Commission compiled a series of eight maps showing 0.2 and 1 second spectral response acceleration contours for Weber, Davis, Salt Lake, and Utah Counties:

These maps are intended for use by building officials and engineers to illustrate earthquake ground-shaking levels.

Salt Lake County (pdf)
Utah County (pdf)
Davis County (pdf)
Weber County (pdf)

These maps were created by the Utah Geological Survey (UGS)

using the gridded data from the 2003 International Building Code (IBC) Seismic Design Parameters CD-ROM, prepared by the U.S. Geological Survey. The maps show values for an IBC site class B, so adjustments to map values must be made depending on the actual site class as outlined in the IBC.

Generalized site class maps for Salt Lake Valley and the Wasatch Front are available as UGS Open-File Report 424 (CD) and Report of Investigation 248, respectively, at the Natural Resources Map and Bookstore.

These maps are intended for use by building officials and engineers to illustrate earthquake ground-shaking levels, but are not for use in building design. The IBC Seismic Design Parameters CD-ROM included with the IBC (available from International Code Council; www.iccsafe.org) should be used for design.

The following information is for those other than building officials and engineers who are interested in viewing these maps to understand *relative* ground shaking hazards.

Larger values shown on contour lines in the maps indicate relatively greater levels of ground shaking expected during a given period of time, in this case, 2,500 years (equivalent to a 2% probability of exceedance in 50 years).

The S_0 (0.2 second) maps indicate levels of ground shaking at high frequencies (or short periods) that are particularly damaging to 1-2 story structures such as houses. The S_1 (1.0 second) maps indicate levels of ground shaking at lower frequencies (or longer periods) that are more damaging to tall structures (around 10 stories or more).

For example, if you are interested in the relative ground-shaking hazard to houses in Salt Lake Valley, the S_0 (0.2 second) maps indicate that the hazard (relative strength of ground shaking) is highest in the East Bench area (1.7-1.8), and relatively lower along the west side of Salt Lake Valley (1.1-1.3).

Keep in mind these maps do not take into account local geologic conditions at a site, which may either amplify or dampen the motions shown on the map.

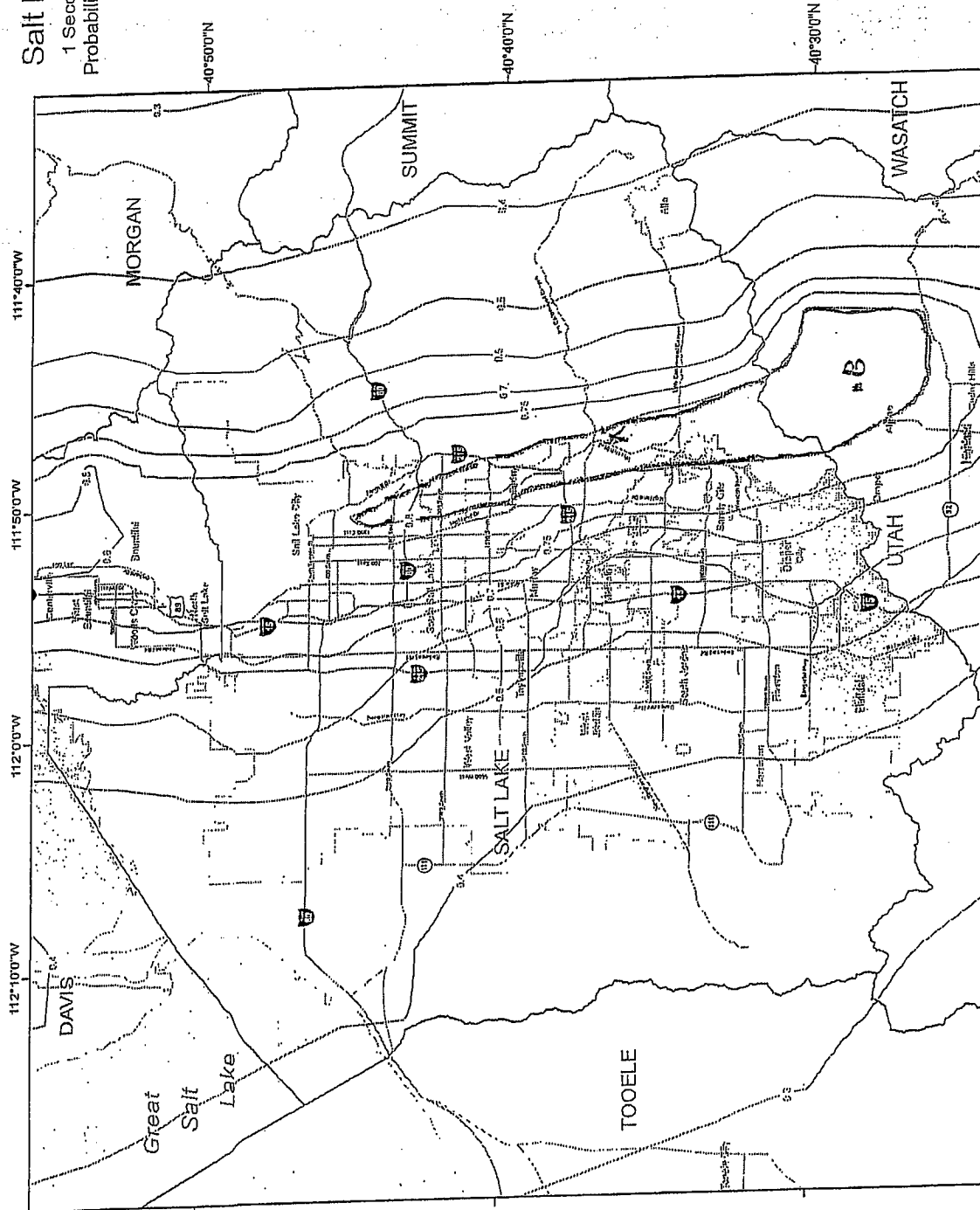
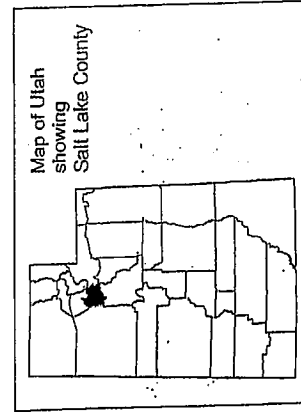
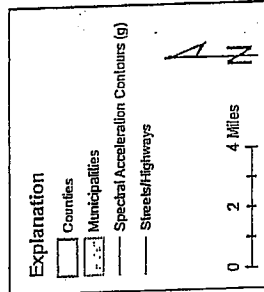
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1 Second Spectral Response Acceleration (2% Probability of Exceedance in 50 Years), Site Class B

Map shows spectral response acceleration contours created using the gridded data from the 2003 International Building Code (IBC) Seismic Design Parameters CD-R0141 prepared by the U.S. Geological Survey.

The grid data used to make the contours were provided by the U.S. Geological Survey and are at a spacing of 0.01 degree latitude and longitude.

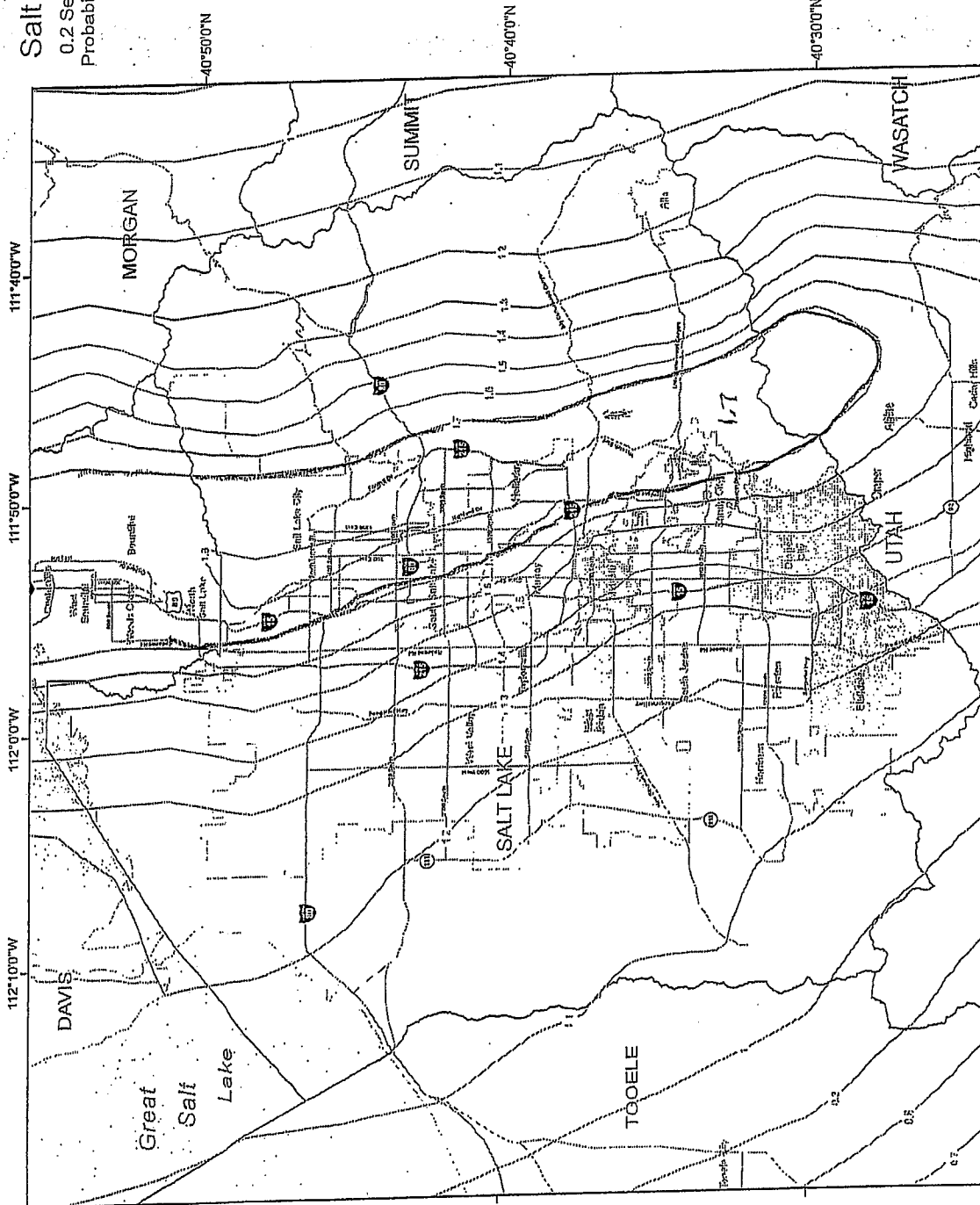
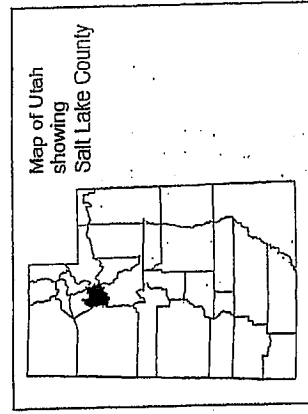
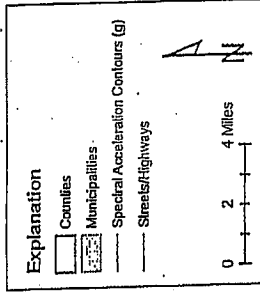
The map is not intended for use in design. The IBC Seismic Design Parameters CD-ROM distributed with the IBC should be used for design.



Salt Lake County - 2003 IBC S_s 0.2 Second Spectral Response Acceleration (2% Probability of Exceedance in 50 Years), Site Class B

February 2005
 Utah Seismic Safety Commission

Map shows spectral response acceleration contours created using the gridded data from the 2003 International Building Code (IBC) Seismic Design Parameters CD-ROM prepared by the U.S. Geological Survey.
 The grid data used to make the contours were provided by the U.S. Geological Survey and are at a spacing of 0.01 degree latitude and longitude.
 The map is not intended for use in design. The IBC Seismic Design Parameters CD-ROM distributed with the IBC should be used for design.



(17)

Minimum Standards for Surface Fault Rupture Hazard Studies

SALT LAKE COUNTY GEOLOGIC HAZARDS ORDINANCE - CHAPTER 19.75 APPENDIX A
Darlene Batatian, Salt Lake County Geologist
April 2002

1.0 INTRODUCTION

Salt Lake County lies adjacent to the active Wasatch Fault zone. "Surface fault rupture" is fault-related offset or displacement of the ground surface that may occur due to an earthquake. If a normal fault were to break the ground surface beneath a building, significant damage could occur, perhaps resulting in injuries or loss of life. To address the surface fault rupture hazard, Salt Lake County has defined Surface Fault Rupture Special Study Areas, within which site-specific investigations are required prior to development. To ensure that buildings are not sited across active faults, the Salt Lake County Geologic Hazards Ordinance (Chapter 19.75) requires a site-specific investigation to locate active faults and establish appropriate building setbacks prior to development of sites located within the Surface Fault Rupture Special Study Area. A site-specific surface fault rupture study includes a field investigation (usually by excavation and logging of a trench) and a fault rupture hazard report. This brochure describes the minimum standards that are required by Salt Lake County for these studies.

The purpose of establishing minimum standards for surface fault rupture hazard studies is to:

- Protect the health, safety, welfare, and property of the public by minimizing the potentially adverse effects of fault rupture and related hazards;
- Assist property owners and land developers within the Surface Fault Rupture Special Study Area in conducting reasonable and adequate studies;
- Provide consulting engineering geologists with a common basis for preparing proposals, conducting investigations, and recommending setbacks; and,
- Provide an objective framework for regulatory review of fault study reports.

The procedures outlined herein are intended to provide the developer and consulting engineering

geologist with an outline of appropriate exploration methods, standardized report information (map and trench-log scales; setback recommendations, etc.) and expectations of the regulatory reviewer. These standards are intended to help minimize study costs and review time.

These standards constitute the *minimum* level of effort required in conducting surface fault rupture hazard special studies in Salt Lake County. Considering the complexity of evaluating surface and near surface faults, additional effort beyond the minimum standards may be required at some sites to adequately address the fault hazard.

1.1 Background

Little regard was given to fault hazards in Salt Lake County land-use planning before about 1970, when Woodward-Lundgren & Associates completed their Wasatch fault investigation and map (Cluff and others, 1970). This aerial-photo-based map presented the first detailed information on fault locations usable by local governments, and increased awareness of the hazard posed by the Wasatch fault. More recently, investigations by Black and others (1996) concluded that this fault has a late-Holocene average recurrence interval of surface-faulting earthquakes of 1,350 (± 200) years, with the last major event approximately 1,300 years before present (ybp). McCalpin's (2002) megatrench study across the Wasatch fault near Little Cottonwood Canyon dated the last 6 events. The most recent earthquake on the West Valley Fault has been dated at approximately 2,220 years ago (UGS, 1998).

When Salt Lake County experienced a foothill-area residential building "boom" in the early 1970s, fault investigations were sometimes required for the new subdivisions. The Salt Lake County Planning Commission and Development Services staff relied heavily on the developer's consultant as the professional "expert" responsible for ensuring the fault rupture safety of the proposed development. Reports would sometimes be sent for review by the Utah Geological Survey.

Minimum Standards for Surface Fault Rupture Hazard Special Studies

Page 2

This informal review process lasted until June 1985 when the Utah Geological Survey initiated the County Geologist program, funded through the U.S. Geological Survey's National Earthquake Hazards Reduction Program (NEHRP; Christenson, 1993). In 1988, Salt Lake County created a permanent County Geologist position on the Planning Department staff. The County Geologist is now in the Planning and Development Services Division, and is responsible for providing regulatory review for all fault hazard reports.

In May 1989, Salt Lake County enacted the Natural Hazards Ordinance (NHO). This ordinance adopted a series of geologic hazards special study area maps that define areas where site-specific geologic hazard studies are required prior to approval of new development. Maps were adopted delineating surface fault rupture, liquefaction, and avalanche special study areas.

The Natural Hazards Ordinance was renamed the Geologic Hazards Ordinance and revised in 2002 to incorporate additional geologic hazards including landslide, debris flow, and rockfall. This document was incorporated as Appendix A to the Geologic Hazards Ordinance.

Salt Lake County's primary objective is to protect life safety in the event of an earthquake. Earthquakes can cause structural failures due to ground shaking, liquefaction, and surface fault rupture effects. Ground-shaking hazards are addressed through seismic requirements included in the local Building Code, while liquefaction-related problems are addressed by conducting a liquefaction analysis as per the requirements of the Geologic Hazards Ordinance (see Appendix B, "Liquefaction: A Guide to Land Use Planning, Salt Lake County, 2001).

An earthquake along the Salt Lake City segment of the Wasatch Fault could result in as much as 8 feet of displacement of the ground surface. To address surface fault rupture hazards, the Geologic Hazards Ordinance (Section 19.75.080) prohibits construction of habitable structures and critical facilities across an active fault (defined as having greater than four inches of displacement along one or more traces during Holocene time- about 10,000 years ago to the present).

For most geologic hazards, engineering controls can be implemented to mitigate or minimize damage. However, it is generally impractical from an economic, engineering, and architectural point of view to design a typical structure to withstand the serious damage that significant surface fault rupture can cause. Mitigation of the fault-rupture hazard thus requires relocating the structure. The purpose of the fault study is to evaluate the presence or absence of the fault, and, if necessary, establish an appropriate building setback.

1.2 References and Sources

The minimum standards presented herein were developed from the following sources:

- Utah Section of the Association of Engineering Geologists (AEG) *Guidelines for Evaluating Surface Fault Rupture Hazards in Utah* (AEG, 1987).
- California Division of Mines & Geology publications (CDMG, 1986a, b).
- Nevada Earthquake Safety Council, 1998.
- Batatlian, L.D., and Nelson, C.V., 1999.

1.3 When Is a Fault Study Required?

A fault study is required prior to approval of any land use at sites that lie within a fault study area, as shown on the Surface Fault Rupture Special Study Area Map published by Salt Lake County Planning and Development Services Division (1995). This map identifies known active faults in Salt Lake County, and defines special study areas along the faults within which site-specific investigations are required. Development of any parcel within the Surface Fault Rupture Special Study Area requires submittal and review of a site-specific fault study prior to receiving a land use or building permit from Salt Lake County Planning and Development Services. The developer must retain a qualified engineering geology consultant to perform the fault study.

1.4 Selecting a Consultant

Fault investigations must be performed by a consulting engineering geologist specifically trained and experienced in completing fault investigations (see Section 2.1, "Minimum Qualifications of the Preparer" below). Qualifications and experience deserve significant consideration along with cost. An experienced consultant will understand the

Minimum Standards for Surface Fault Rupture Hazard Special Studies

Page 3

scope of the project, be familiar with the type of soils expected, know how to log the trench and interpret the stratigraphy, and prepare a report with appropriate recommendations that will receive prompt regulatory approval. Their expertise will ultimately save both time and money.

Engineering geologists preparing surface fault rupture special studies are ethically bound first and foremost to protect public safety and property in their investigations, and as such must adhere to the highest ethical and professional standards. The engineering geologist's conclusions, drawn from any given set of geologic data, must be consistent and unbiased. Information gained during a study may not be withheld.

2.0 MINIMUM STANDARDS FOR FAULT STUDIES

Following are the minimum standards for a comprehensive fault investigation. Fault investigations may be reported in conjunction with other geological and geotechnical investigations, or may be submitted separately.

2.1 Minimum Qualifications of the Preparer
Fault hazard evaluation is a specialized discipline within the practice of engineering geology requiring technical expertise and knowledge of techniques not commonly used in other geologic or geotechnical investigations. Therefore, a surface fault rupture special study will only be accepted when conducted and signed by a qualified engineering geologist. Minimum qualifications of the engineering geologist who performs a fault study are herein defined as:

- An undergraduate or graduate degree in geology, engineering geology, geological engineering, or a related field with a strong emphasis on geologic coursework, from an accredited college or university; and,
- Three full years of experience in a responsible position in the field of engineering geology in Utah, or in a state with similar geologic hazards and regulatory environment. This experience must demonstrate the engineering geologist's knowledge and application of appropriate techniques in performing surface fault rupture hazard studies; and,

Effective January 1, 2003, per State law, a Utah State Professional Geologist's license is required to practice geology before the public.

As stated in Section 19.75.060(A) of the Geologic Hazards Ordinance, and in Section 2.9.5, below, all surface fault rupture hazard reports shall be prepared, signed and stamped by a licensed professional geologist, and shall include the qualifications of the preparer (such as their training and experience conducting similar studies).

Under the direct supervision of a qualified engineering geologist, a less-qualified engineering geologist may participate in the study for training and to gain experience.

2.4 Scoping Meeting

The developer or consultant will schedule a scoping meeting with the County Geologist to evaluate the fault investigation approach. At this meeting, the consultant should present a site plan that includes: proposed building locations; expected fault location(s) and orientation; and the proposed trench locations, orientation, length, and depth (see *Fault Investigation Method*, below). The investigation approach should allow for flexibility due to unexpected site conditions; field findings may require modifications to the work plan.

If the project is relatively straightforward, the site plan can be faxed to the County Geologist and the scoping meeting can be completed via telephone. The developer and consultant need to clarify who will be responsible for contacting the County Geologist during the project.

2.5 Fault Investigation Method

Inherent in fault study methods is the assumption that future faulting will recur along pre-existing faults (Bonilla, 1970 p. 68; McCalpin 1987), and in a manner consistent with past displacement. The focus of fault investigations is therefore to 1) accurately locate existing faults, 2) evaluate the recency of their activity, and 3) estimate amounts of past displacement to derive recommended fault setbacks.

The most direct method of locating existing faults and evaluating the history of fault activity is to excavate exploratory trenches using a backhoe or trackhoe. The engineering geologist will clean and

Minimum Standards for Surface Fault Rupture Hazard Special Studies

Page 4

log the trench as described below. Existing faults may also be identified and mapped in the field by direct observation of young, fault-related geomorphic features, or by examination of aerial photographs. These and other methods are discussed in: McCalpin (1996; 1987); Slemmons and dePoio (1992); AEG (1987); Bonilla (1982); Hatheway and Leighton (1979); Slemmons (1977); Wallace (1977); Sherard and others (1974), and Taylor and Cluff (1973). Trenching is required; additional methods used should be clearly described in the report.

Trench Siting. The exploratory trench must be oriented perpendicular to the fault trace, and of adequate length to explore the proposed building site(s) plus any potential setback. The trench(es) must therefore extend beyond the building footprint at least the minimum setback distance for the building type (see Table A-1). Test pits or potholes are not adequate. Sometimes more than one trench is required to cover the entire building area, particularly if the proposed development involves more than one building. It is recommended that the trench be located outside the proposed building footprint, as the trench is generally backfilled without compaction, which could lead to differential settlement beneath the footings. Additional trenches may be necessary to accurately determine the trend of the fault as it crosses the property. It is strongly recommended that trench(es) and fault location(s) are surveyed by a registered professional land surveyor.

Depth of Excavation. A frequently-asked question is "How deep must the trench be?" The trench must be deep enough to extend below Holocene deposits (see below)- generally in the 8-12-foot range, but sometimes deeper. Please see the note below about practical limits of excavation. *It is the responsibility of the person in the field directing the excavation to ensure that fault trenches are excavated in compliance with current Occupational Safety and Health Administration excavation safety regulations (OSHA 1989).*

Logging the Trench. The engineering geologist will clean debris and backhoe smear off one or both of the trench walls, and carefully log the trench at a minimum scale of 1-inch equals 5-feet (1:60) following accepted fault trench investigation practices (McCalpin, 1996). Some form of vertical

and horizontal logging control must be used and shown on the log. The log must document all significant information from the trench; see Section 2.9.3(E).

The engineering geologist will interpret the ages of sediments exposed in the trench, or, when necessary, obtain radiocarbon or other age determinations, to constrain the age of most recent fault movement to determine whether recent (Holocene) displacement has occurred. In Salt Lake County, stratigraphic and facies analysis of Pleistocene Lake Bonneville sediments are used to infer relative ages of sediments, and thus estimate ages of surface-faulting events. An excellent and well-documented stratigraphic lacustrine record exists from both transgressive and regressive stages, including the Bonneville highstand (approximately 16,000 ybp); the catastrophic Lake Bonneville flood (14,400 ybp), and subsequent regressions below the Provo highstand (approx. 13,000 ybp) and Gilbert level (10,000 - 10,500 ybp; Personius and Scott, 1992; also see Oviatt and Thompson, 2002). The presence of unfaulted Lake Bonneville sediments (or other deposits shown to be older than 10,000 years in age) in a trench therefore provides reasonable evidence that Holocene faulting has not occurred at that site.

In cases where Holocene active faults may be present, but pre-Holocene deposits are below the practical limit of excavation, the trenches must extend at least through sediments inferred to be older than several fault recurrence intervals. The practical limitations of the trenching must be acknowledged in the report and recommendations must reflect resulting uncertainties.

2.6 Field Review

A field review by the County Geologist is required during the exploratory trenching. The Project Manager (consultant or developer) must provide a minimum of 48-hours notice to schedule the field review with the County Geologist. The trench(es) should be open and a preliminary log completed at the time of the review. The field review allows the County Geologist to evaluate the subsurface data (i.e., age and type of sediments; presence/absence of faulting, etc.) with the consultant, and determine whether the investigation is adequate. Discussions about questionable features or an appropriate setback distance are encouraged, but the County

Minimum Standards for Surface Fault Rupture Hazard Special Studies

Page 5

Geologist will not help log the trench, explain the stratigraphy; or give verbal approval (or disapproval) of the proposed development during the field review.

The Utah Geological Survey (UGS) is interested in collecting age-dating samples or other information from exploratory trenches in Salt Lake County. To help achieve this goal, consultants are requested to inform the UGS about trenching activities (contact Gary Christenson, (801) 537-3304).

2.7 Recommendations for Fault Setbacks

To address wide discrepancies in fault setback recommendations, Salt Lake County has established a fault setback calculation methodology for normal faults (Batatian and Nelson, 1999). The fault study report should use this method to establish the recommended fault setback for critical facilities and structures designed for human occupancy. If another fault setback method is used, the consultant must provide justification in the report for the method used. Faults and fault setbacks must be clearly identified on site plans and maps.

Minimum setbacks are based on the type of proposed structure (Table A-1). A setback should be calculated using the formulas presented below, and then compared to the minimum setback established in Table A-1. The greater of the two will be used as the setback. Minimum setbacks apply to both the hanging wall and footwall blocks.

Top of slope and/or toe of slope setbacks required by the local Building Code must also be considered; again, the greater setback must be used.

Downthrown Fault Block (Hanging Wall)

The fault setback for the downthrown block will be calculated using the following formula:

$$S = U (2D + F/\tan 0) \text{ where:}$$

S = Setback within which structures for human occupancy are not permitted;

U = Criticality Factor, based on the proposed occupancy of the structure (see Table A-1)

D = Expected fault displacement per event (assumed to be equal to the net vertical displacement measured for each past event)

F = Maximum depth of footing or subgrade portion of the building

0 = Dip of the fault (degrees)

All units are in feet. Variables used in the equation are presented graphically in Figure A-1.

Upthrown Fault Block (Footwall)

The dip of the fault and depth of the subgrade portion of the structure are irrelevant in calculating the setback on the upthrown fault block. Therefore, the setback for the upthrown side of the fault will be calculated as:

$$S = U \times 2D$$

The setback is measured from the portion of the building closest to the fault, whether subgrade or above grade. Minimum setbacks apply as discussed above. Figure A-1 shows the variables used.

2.8 Regulatory Review

All fault investigation reports conducted in Salt Lake County will be reviewed by, and permanently filed with, the County Geologist. The County Geologist will evaluate the adequacy of the investigation, report, and setbacks, and advise the Planning and Development Services Staff and/or Planning Commission regarding the suitability of the proposed development. These minimum standards thus serve as the basis for the review and approval of fault study reports and the associated land use permits.

2.9 Required Outline for Surface Fault Rupture Hazard Studies

Surface fault rupture hazard reports submitted to Salt Lake County are expected to follow the outline and address the subjects presented below. However, variations in site conditions may require that additional items be addressed, or permit some of the subjects to be omitted (except as noted).

Two (2) signed original copies must be submitted to the County Geologist for review, prior to approval of any development where a fault study is required.

2.9.1. Required Text

A. Purpose and scope of investigation

B. Geologic and tectonic setting, including active faults in the area and paleoseismicity, reference relevant published and unpublished geologic literature.

Minimum Standards for Surface Fault Rupture Hazard Special Studies

Page 6

C. Site description and conditions. Include information on geologic units, graded and filled areas, vegetation, existing structures, and other factors that may affect the site development plan, choice of investigative methods, and the interpretation of data.

D. Methods of Investigation:

1. Review of published and unpublished maps, literature and records concerning geologic units, faults, surface and ground water, and other factors.

2. Stereoscopic interpretation of aerial photographs to detect fault-related topography, vegetation or soil contrasts, and other lineaments of possible fault origin. Reference the photograph source, date, flightline numbers, and scale. Salt Lake County has an excellent collection of stereoscopic aerial photographs dating back to 1937 (including 1937, 1940, 1958, 1964, and 1985). This collection is available for consultants to use by appointment.

3. Observations of surface features, both on-site and offsite, including mapping of geologic and soil units; geomorphic features such as scarps, springs and seeps (aligned or not), faceted spurs, offset ridges or drainages; and geologic structures. Locations and relative ages of other possible earthquake-induced features such as sand blows, lateral spread, liquefaction, and ground settlement should be mapped and described. Slope failures, although they may not be conclusively tied to earthquake causes, should also be noted.

4. Subsurface investigations:

a. Summary of trenching or other detailed, direct observation of continuously exposed geologic units, soils and geologic structures. Trenching must be of adequate length and depth, and be carefully logged, as described in Section 2.5 and 2.9.3.(E). The strike, dip, and net vertical displacement (or minimum displacement) of faults must be noted.

The report must describe the criteria used to evaluate the ages of the deposits encountered in the trench, and clearly evaluate the presence or absence of active (Holocene) faulting. As described in Section 2.5, unfaulted Lake Bonneville sediments (or deposits shown to be older than 10,000 years in age) provide reasonable evidence that recent faulting has not occurred at the site. See page 4 for a discussion of the practical limits of excavation.

5. Other methods might be included when special conditions permit, or requirements for critical structures demand a more intensive investigation. These may include the following methods.

a. Test pits, boreholes, or cone-penetrometer soundings to collect data on geologic units and ground water at specific locations. The number and spacing of data points must be sufficient to permit valid correlations and interpretations.

b. Geophysical investigations. These are indirect methods that require knowledge of the geology (Chase and Chapman, 1976) and of specific geologic conditions for reliable interpretation. However, geophysical methods alone cannot prove the absence of a fault nor identify the recency of activity. Types of equipment and techniques may include seismic reflection, seismic refraction, ground-penetrating radar, or other methods (e.g., magnetic intensity, electrical resistivity, or gravity).

c. Age-dating techniques. These may include: isotopic (radiocarbon, cosmogenic nuclide) and radiogenic (thermoluminescence or TML) methods, particularly of colluvial wedges and soil horizons; soil-profile development; stratigraphic correlation (fossils, lithologic provenance); and other methods to date faulted and unfaulted units or surfaces (Noller and others, 2000).

E. Conclusions

1. Summary of evidence establishing whether faulting is or is not present, and is active or inactive, including ages of faulted and unfaulted stratigraphic units and surfaces.

2. Location of active faults, including orientation and geometry of faults, amount of net slip along faults, anticipated future offset, and delineation of setback areas.

3. Degree of confidence in and limitations of data and conclusions.

F. Recommendations.

Recommendations must be supported with geologic evidence and appropriate reasoning behind each statement.

1. Recommended setback distances per Section 2.7. Supporting calculations must be included. Faults and setbacks must be shown on site maps and final recorded plat maps.

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Minimum Standards for Surface Fault Rupture Hazard Special Studies

2. Other recommended building restrictions or use limitations (i.e., placement of detached garages, swimming pools, or other non-habitable structures).
3. Need for additional or future studies to confirm buildings are not sited across active faults, such as inspection of building footing or foundation excavations by the consultant.

2.9.2. References

A. Complete citations of literature and records used in the study.

B. Aerial photographs or images interpreted (air photo source, date and flight number, scale).

C. Other sources of data and information, including well logs, personal communications, etc.

2.9.3. Illustrations

A. Location Map. The site location, topographic and geographic features, and other pertinent data should be identified; generally on a 1:24,000-scale USGS topographic base map (may combine with item B).

B. Geologic Map. A regional-scale map (1:24,000 to 1:50,000 scale) is generally used. Personius and Scott, 1992 is usually appropriate. Depending on site complexity, a site-scale geologic map (1:1,200 or 1 inch = 100 ft) may also be necessary. The map should show Quaternary and bedrock geologic units, faults, seeps or springs, soil or bedrock slumps, and other geologic and soil features existing on and adjacent to the project site.

Geologic cross-sections may be included as needed to illustrate 3-dimensional relationships.

C. Site Plan. The site boundaries, proposed building footprints, existing structures, streets, slopes, drainages, exploratory trenches, boreholes, test pits, geophysical traverses, and other data should be shown on a map scaled 1 inch = 100 feet, or smaller. May be combined with item (D)

D. Site Plan and Fault Map. Include the surveyed locations of trenches or boreholes, location(s) of faults encountered in the trenches, inferred location of the faults between trenches, recommended fault setback distance on each side of the faults, topographic contours, and proposed building

locations. Scale will vary depending on the size of the site and area covered by the study; recommended scale is 1 inch = 100 feet, or smaller.

E. Exploratory Trench Log(s). These are required for each trench excavated as part of the study. Trench logs are hand- or computer-generated logs of the trench wall that show details of observed features and conditions. Trench logs shall not be generalized or diagrammatic. The minimum scale is 1 inch = 5 feet (1:60) with no vertical exaggeration. Trench logs must accurately reflect the features observed in the trench, as noted below and in Section 2.5.

Details logged shall include: trench orientation and indication of which trench wall was logged; trench top and bottom; stratigraphic contacts; stratigraphic unit descriptions including lithology, engineering soil classification, and contact descriptions; soil (pedogenic) horizons; marker beds; deformation or offset of sediments, and faults and fissures. Other features of tectonic significance such as buried scarp free faces, colluvial wedges, in-filled soil cracks, drag folds, rotated clasts, lineations; and liquefaction features including dikes, sand blows, etc. should also be shown. Interpretations of the age and origin of the deposits and any faulting or deformation must be included, based on depositional sequence. Fault orientation and geometry (strike and dip), and amount of net displacement must be measured and noted.

Excavations must penetrate through the entire Holocene sequence to prove the absence of active faulting in a trench. Evidence for the age determination of the sediments must be provided in the text. See page 4 for a discussion of practical limits of excavation.

F. Exploratory boreholes. Borehole logs must include lithology descriptions, USCS soil classification or other standardized engineering soil classification (include an explanation of the classification scheme), sampled intervals, blow count results, static ground water depths and dates measured, total depth of boreholes, and identity of the person logging the borehole. Minimum scale: 1 inch = 5 feet.

H. Geophysical data and associated interpretations.

Minimum Standards for Surface Fault Rupture Hazard Special Studies

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I. Photographs of scarps, trench walls, or other features that enhance understanding of site conditions and fault-related conditions.

2.9.4. Appendices.

Include any other supporting data relevant to the investigation (e.g., aerial photograph interpretations, cross sections or fence diagrams, survey data, water well data, laboratory soils test results, etc.)

2.9.5. Authentication

Include the signature, Utah State Professional Geologists stamp, and qualifications of the investigating engineering geologist.

3.0 APPLICABLE AND CITED REFERENCES

Association of Engineering Geologists, Utah Section, 1987, Guidelines for evaluating surface fault rupture hazards in Utah: Utah Geological and Mineral Survey Miscellaneous Publication N, 2 p

Batatian, L.D., and Nelson, C.V., 1999, Fault Setback Requirements to Reduce Fault Rupture Hazards in Salt Lake County, AEG Abstracts with Programs, 42nd Annual Meeting, Salt Lake City, pg. 59.

Black, B.D., Lund, W.R., Schwartz, D.P., Gill, H.E., and Mayes, B.H., 1996, Paleoseismic Investigation on the Salt Lake City Segment of the Wasatch Fault Zone at the South Fork Dry Creek and Dry Gulch Sites, Salt Lake County, Utah, Utah Geological Survey Special Study 92, 22 pgs.

Bonilla, M.G., 1970, Surface faulting and related effects; in Wiegel, R.L., editor, Earthquake Engineering: Englewood Cliffs, N.J., Prentice-Hall, Inc., p. 47-74. (Contains an extensive bibliography on surface faulting, fault patterns and types, width of fault zones, and creep).

Bonilla, M.G., 1982, Evaluation of potential surface faulting and other tectonic deformation: U.S. Geological Survey Open-File Report 82-732, 58 p.

California Department of Conservation, Division of Mines and Geology, 1986a (revised), Guidelines to geologic and seismic reports: DMG Note 42, 2 p.

California Department of Conservation, Division of Mines and Geology, 1986b (revised), Guidelines for preparing engineering geologic reports: DMG Note 44, 2 p.

Chase, G.W., and Chapman, R.H., 1976, Black-box geology- uses and misuses of geophysics in engineering geology: California Geology, v. 29, p. 8-12.

Christenson, G.E., 1993. The Wasatch Front County Hazards Geologist Program, in Gori, P.L., editor, Applications of Research from the U.S. Geological Survey Program, Assessment of Regional Earthquake Hazards and Risk Along the Wasatch Front, Utah; U. S. Geological Survey Professional Paper 1519, p. 114-120.

Cluff, L.S., Brogan, G.E., and Glass, E.E., 1970. Wasatch Fault, Northern Portion, Earthquake Fault Investigation and Evaluation, a Guide to Land Use Planning: Oakland, California, Woodward-Clyde and Associates, unpublished report for the Utah Geological and Mineral Survey, variously paginated.

Hart, E.W., 1992 (revised), Fault-rupture hazard zones in California: California Department of Conservation, Division of Mines and Geology, Special Publication 42, 32 p. (Revised periodically; information on state law and zoning program for regulating development near hazardous faults.

Hart, E.W., and Williams, J.W., 1978, Geologic review process: California Geology, v.31, no 10, p. 235-236.

Hatheway, A. W., and Leighton, F.B., 1979, Trenching as an exploratory tool; in Hatheway, A. W., and McClure, C.R., Jr., editors, Geology in the siting of nuclear power plants: Geologic Society of America, Reviews in Engineering Geology, vol. IV, p. 169-195.

Joint Committee on Seismic Safety, California Legislature, 1974, Meeting the earthquake challenge: California Division of Mines and Geology, Special Publication 45, 223 p.

McCalpin, James P., 2002, New Age Control from the Wasatch Fault Megatrench of 1999, Abstracts with Programs, Geological Society of America, Rocky Mountain Section.

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Minimum Standards for Surface Fault Rupture Hazard Special Studies

McCalpin, James P., 1996, editor, Paleoseismology: Academic Press, 588 pgs.

McCalpin, James P., 1987, Recommended setbacks from active normal faults, in McCalpin, James, editor., Proceedings of the 23rd Annual Symposium on Engineering Geology and Soils Engineering: Logan, Utah State University, April 6-8, 1987, p. 35-56.

National Research Council, 1986, Studies in geophysics-active tectonics: National Academy Press, Washington, D.C., 266 p. (contains several articles evaluating active faulting).

Nevada Earthquake Safety Council, 1998. Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada; Available online at <http://www.nbmq.unr.edu/nesc/guidelines.htm>

Noller, J.S., Sowers, J.M., and Lettis, W.R., editors, Quaternary Geochronology, Methods and Applications: Washington D.C., American Geophysical Union AGU Reference Shelf 4, 582 p.

Occupational Safety and Health Administration, 1989. Federal Register, Tuesday October 31, 1989. 29 CFR Part 1926. for updates: www.osha-slc.gov/SLTC/construction/enclching/index.html.

Oviatt, C.G., and Thompson, R.S., 2002. Recent Developments in the Study of Lake Bonneville since 1980, in Gwynn, J.W., editor, Great Salt Lake 2000- An Overview of Change: Utah Geological Survey Miscellaneous Publication XX, p. XX.

Personius, S.F., and Scott, W.E., 1992. Surficial Geologic Map of the Salt Lake City Segment and Parts of Adjacent Segments of the Wasatch Fault Zone, Davis, Salt Lake, and Utah Counties, Utah; U.S. Geological Survey Map I-2106.

Salt Lake County, 1995. Surface Rupture and Liquefaction Potential Special Study Areas, adopted March 31, 1989 and revised March 1995. (Map, Published by Salt Lake County Planning and Development Services, Utah).

Salt Lake County, 2001. Liquefaction: A Guide to Land Use Planning, Geologic Hazards Ordinance - Chapter 19.75 Appendix B, Salt Lake County

Planning and Development Services Division. 6 pgs.

Sherard, J.L., Cluff, L.S., and Allen, C.R., 1974, Potentially active faults in dam foundations: Geotechnique, Institute of Civil Engineers, London, v. 24, no. 3, p. 367-428.

Slemmons, D.B., 1977, State-of-the-art for assessing earthquake hazards in the United States: Report 6, faults and earthquake magnitude: U.S. Army Engineer Waterways Experiment Station Miscellaneous Paper S-73-1, 129 p., 37 p. appendix (Summarizes fault evaluation techniques; extensive bibliography).

Slemmons, D.B., and dePolo, C.M., 1992, Evaluation of active faulting and associated hazards: in Studies in Geophysics-Active Tectonics: National Research Council, p. 45-62.

Taylor, C.L., and Cluff, L.S., 1973, Fault activity and its significance assessed by exploratory excavation: in Proceedings of the Conference on Tectonic Problems of the San Andreas Fault System; Stanford University Publication, Geological Sciences, v. XIII, September 1973, p. 239-247.

Wallace, R.E., 1977, Profiles and ages of young fault scarps, north-central Nevada: Geological Society of America Bulletin, v. 88., p. 1267-1281

Youd, T.L., 1980. Ground failure displacement and earthquake damage to buildings: American Society of Civil Engineers Conference on Civil Engineering and Nuclear Power, 2nd, Knoxville, Tennessee, v. 2, p. 7-6-2 to 7-6-26.

Table A-1. Setback recommendations and criticality factors (U) for IBC occupancy classes
(International Code Council, 2000).

Class (IBC)	Occupancy group	Criticality	U	Minimum setback
A	Assembly	2	2.0	25 feet
B	Business	2	2.0	20 feet
E	Educational	1	3.0	50 feet
F	Factory/Industrial	2	2.0	20 feet
H	High hazard	1	3.0	50 feet
I	Institutional	1	3.0	50 feet
M	Mercantile	2	2.0	20 feet
R	Residential (R-1; R-2, R-4)	2	2.0	20 feet
R-3	Residential (R-3, includes Single Family Homes)	3	1.5	15 feet
S	Storage	-	1	0
U	Utility and misc.	-	1	0

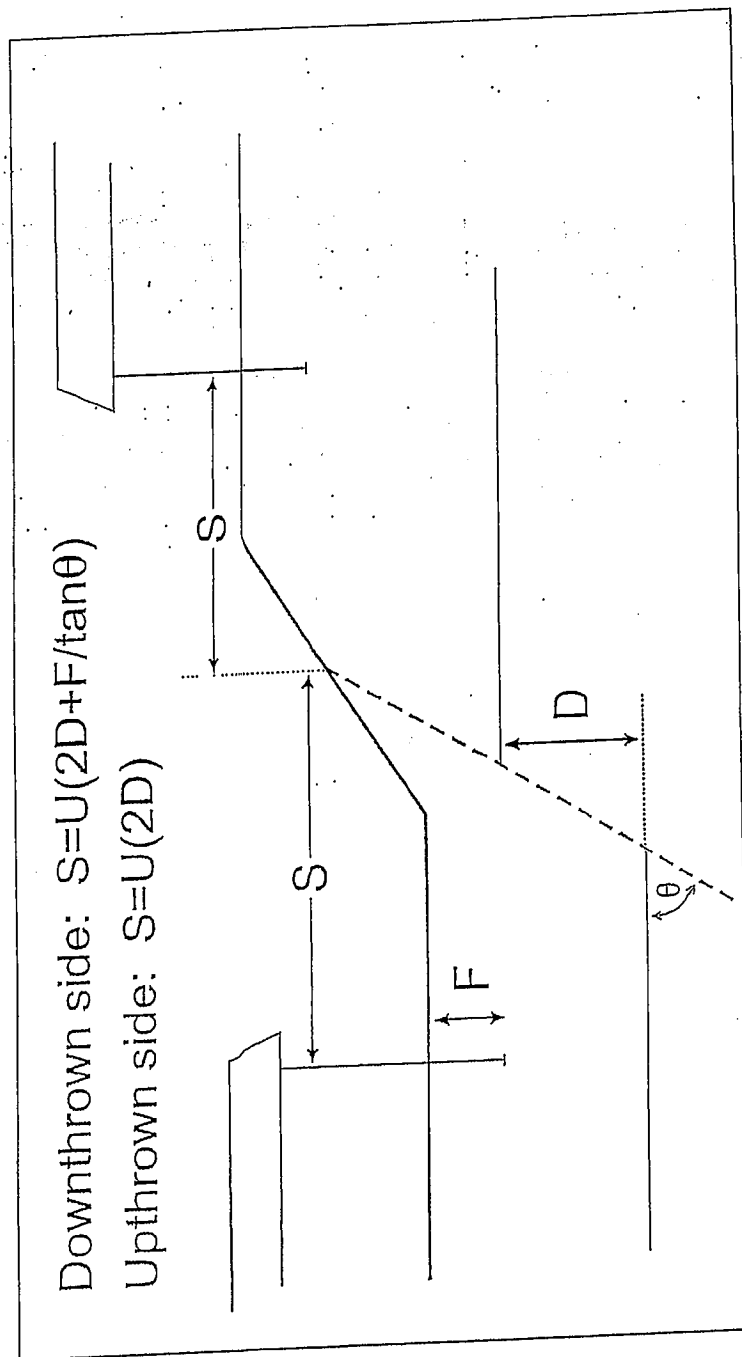


Figure A-1. Set back variables for the downthrown fault block (hanging wall) and upthrown fault block (footwall).
 S = Setback; U =Criticality Factor; D = Expected fault displacement (based on past events); F = Maximum depth of footing or subgrade portion of the structure; θ = Dip of fault.

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REPORT OF GEOLOGY AND SOILS STUDY
PROPOSED PROSPECTOR HILLS II
SUBDIVISION, PHASE 2
7200 SOUTH WASATCH BOULEVARD
SALT LAKE COUNTY, UTAH
FOR MR. DELL S. ASHWORTH

Dames & Moore Job No. 10371-001-06
Salt Lake City, Utah
July 13, 1977

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2

July 13, 1977

Mr. Dell S. Ashworth
Post Office Box 479
120 East 300 North
Provo, Utah 84601

Attention: Mr. Ashworth

Gentlemen:

Report of Geology and Soils Study
Proposed Prospector Hills II
Subdivision, Phase 2
7200 South Wasatch Boulevard
Salt Lake County, Utah
For Mr. Dell S. Ashworth

INTRODUCTION

This letter presents the results of our geology and soils study of the proposed Prospector Hills II Subdivision, Phase 2. The property is located east of Wasatch Boulevard near 7200 South, as shown on Plate 1, Vicinity Map. A more detailed map of the proposed development is presented on Plate 2, Plot Plan. The Phase 2 area includes lots 63 through 102.

Our study was requested by Mr. Dell S. Ashworth.

PURPOSE AND SCOPE

The purpose of our study was to investigate pertinent soil and geologic conditions at the site as they relate to the proposed development. In accomplishing this purpose we have: 1) Reviewed available geologic literature, 2) discussed the geology of the site verbally with two geologists who have performed detailed studies in the area, 3) performed a geologic reconnaissance of the site, and 4) have excavated, sampled, and logged eight test pits and five trenches.

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Mr. Dell S. Ashworth
July 13, 1977
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PROPOSED CONSTRUCTION

We understand that the site will be a residential development consisting of duplex housing. Structures will be one or two-stories in height, of wood frame with some brick veneer construction, and will incorporate full basements. Foundation loads will be relatively light.

Moderate amounts of earthwork and the utilization of extensive retaining walls could be required for site development.

The Phase I portion of the overall development has previously been approved for development and will consist of single family residential houses.

SITE CONDITIONS

SURFACE

The overall Prospector Hills II site is trapezoidal in shape as shown in Plate 2. The east-west dimension along the north boundary is 570 feet, while the south boundary is 1,470 feet long. The property is 2,680 feet in length in the north-south direction. Wasatch Boulevard bounds the site on the west, while undeveloped and partially developed foothill terrain bounds the site to the east. The Phase 2 portion of the development occupies the extreme western and south-eastern portions of the overall site and includes lots 63 through 102.

The main topographic features of the overall site consist of

- 1) a north-south trending bluff within the western portion of the site
- 2) west sloping ground which varies from slight to steep, and
- 3) four drainages that cross the property in an east-west direction.

X that coincides with the main trace of the Wasatch fault zone.

The primary drainage, Ferguson Creek runs through the northern portion of the site and is identified on Plate 2. The remaining drainages are to the south and are smaller.

The steepest natural slopes within the site area are on the order of 1.4 horizontal to 1.0 vertical and are associated with the north-south trending bluff (Wasatch fault zone) through the site and some of the drainage courses.

Vegetation consists of sparse weeds, sagebrush, and grasses over most of the site. A few strands of scrub oak occur along the main drainages.

The Phase 2 area in the western portion of the site slopes slightly to moderately and extends westerly from the base of the north-south trending bluff to Wasatch Boulevard. The east portion of the Phase 2 development

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Mr. Dell S. Ashworth
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occurs on the steeply sloping area in the south-
east area is approximately two horizontal to one vertical.

GEOLOGY AND SOILS

SOILS

Except for some surface Recent colluvial and alluvial soils, the entire site including Phase 2 is underlain principally by granular materials deposited within ancient Lake Bonneville. Soils encountered in the test pits and trenches excavated at the site are described in detail on Plates 3A through 3C, Log of Test Pits. These soils are described in accordance with the nomenclature described on Plate 4, Unified Soil Classification System. Locations of the test pits and trenches are shown on Plate 2.

The Recent colluvial soils generally consist of loose to medium dense silty sands with gravels, cobbles, and boulders and are encountered at the base of the moderately steep slope in the southeast portions of the site and at the base of the bluff. The Recent alluvial soils are associated with the drainages including the area within the northern portion of the site between the bluff and Wasatch Boulevard. Generally, the recent deposits are relatively thin.

Exposed at the surface and underlying the thin colluvial cover in the upper site area east of the bluff are granular deposits of loose to medium dense, silty sands with some gravels and cobbles and mixtures of silty sands, gravel and cobbles with boulders. Below these coarse granular soils in the eastern portion of the site and exposed near surface in the lower southwestern portion of the site are medium dense silty fine sands, very fine sand, and silt and clayey silts. The deeper finer-textured soils were probably deposited during the Alpine stage of Lake Bonneville and are therefore, approximately 30,000 to 70,000 years old. The upper coarse granular soils are either Alpine in age or, more likely, Bonneville in age, 12,000 to 25,000 years old. Some deltaic deposits consisting of silty sands and gravels with cobbles and boulders and of Bonneville age were also observed in the northwestern portion of the site. It should be noted that no evidence of faulting was observed within the test pits and trenches excavated at the site. The natural soils exhibit high strength and low compressibility characteristics and are not collapsible or expansive. Only minimal amounts of fill associated with old gravel pit workings and dirt roads were observed.

Test pit 6 and Trench 1, which were excavated at the toe of the slope within the southeast portion of the site, encountered extensive cobbles and boulders at three feet. Bedrock at this location and to the southeast is projected to within five to ten feet of existing grade.

(5)

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Mr. Dell S. Ashworth
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GROUND WATER

The ground water table was not encountered in any test pits or trenches excavated at the site and probably lies at considerable depth.

Some minor perched ground water conditions could, however, occur above the silty fine sand to very fine sand and silt layers or above thin silty clay layers, during wet seasons.

FAULTS

General

The site lies along the Wasatch Fault Zone, an active fault system which extends from south of Nephi, Utah, to north of Brigham City. The fault zone often consists of several individual fault traces, sometimes braided or in a series of parallel faults.

Available literature states that from one to three active faults pass through the site. The general locations of these active faults and others in the area are shown on Plate 1. X

Two primary conclusions can be made from reviewing the published data. These conclusions are 1) the focal zone of a large number of active faults lies at the western limit of the site, and 2) all of the reviewed literature shows the middle of the three faults shown passing through the site to be present. Only one publication, that prepared by Morrison,* shows all three active faults.

[The middle fault is evidenced by strong topographic evidence. Maximum offset of this fault is estimated to be approximately 60 feet and is downthrown on the western side. The fault appears to lie very close to the toe of the bluff.]

The eastern fault which was mapped by Morrison as "approximately located." It should be noted that this projected trace approximately coincides with the Bonneville shoreline. No specific evidence of this fault through airphoto interpretation, site reconnaissance and sub-surface investigations carried out in conjunction with this study could be found.

The western fault cannot be topographically defined. This fault was originally inferred by Morrison ** based upon physiographic features defined by graben structures that lie to the north and south of the site and in the valley of Big Cottonwood creek. Based upon our interpretation

* Morrison, Roger B., "Lake Bonneville: Quaternary Stratigraphy of Eastern Jordan Valley, South of Salt Lake City, Utah," Geological Survey Professional Paper 477, 1965.

** Morrison, Roger B. "Oral Communication," June, 1977

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of stereoscopic sets of aerial photographs of the area dated 9-21-37 and 8-6-46, we concur with Morrison's interpretation. Detailed site reconnaissance and trenching did not uncover evidence of this inferred fault on the site. Therefore, the fault, if present, must lie west of the location shown on Plate 1.

The projected approximate locations of the middle and western faults are shown on Plate 2.

The western and middle faults define a graben structure (a down-dropped earth mass) and displace Alpine age deposits and probably Bonneville Age deposits. Therefore, the age of these faults is probably less than 12,000 years. In the geologic sense, this is a very recent occurrence. Some individuals have estimated that the most recent faulting is likely only a few hundred years old based on the fresh appearance of the fault traces and lack of vegetation.

SEISMICITY

The site is located within the Intermountain Seismic Belt in an area designated as a Zone 3 seismic area. A Zone 3 area is defined*** as an area where "major damage" may occur due to an earthquake.

The highly seismic character of the area is indicated by the abundance of earthquake epicenters near the fault in the general vicinity of the site. Most of these events have been detectable only with recording instruments though several have been felt by occupants of the region. The Salt Lake City area has experienced two damaging earthquake shocks within the 120 years of record. Although no ground ruptures have been noted after any of the reported earthquakes near Salt Lake City, local faulting is geologically recent and earthquake activity is present in the faulted area. In addition, some of the present theories of earthquake tectonics would indicate that the Salt Lake City area must be considered seismically active.

As a result of the limited length of seismic history of the area, the geologic history of the region must be used in any postulation of future earthquake occurrence. The Salt Lake City area experienced three shocks of Intensity VII (Magnitude 5.5) on May 22, 1910. Another earthquake of Magnitude 5.2 occurred in 1962, centered near Magna. Solely on a historical basis, therefore, one must postulate the occurrence of another Intensity VII shock in the Salt Lake City area in the next 50 to 100 years. Table 1, Modified Mercalli Intensity Scale, relates intensity designations and earthquake effects.

*** Uniform Building Code, 1976.

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As previously noted, the seismic history is short but intense and our knowledge of the geologic history of the area must be used to extend the seismic history. A shock of Magnitude 7.1 or greater probably would have been required to produce faults exposed on the property. Such an event may have occurred prior to the earliest historic record but perhaps within the last 300 years.

Intensities VIII and IX have been recorded elsewhere on the Wasatch Fault Zone and in contiguous fault zones formed in the same tectonic setting. Fault displacements of some 60 feet have been mapped in the surficial soils on the site. Thus, Intensity VIII earthquakes cannot be dismissed as a potential threat to the Salt Lake City area in the next 100 years. X

DISCUSSIONS AND RECOMMENDATIONS

GENERAL

Supporting data upon which many of the recommendations presented herein are based have been presented in the previous sections of this report. It should be noted that extensive deep drilling and sophisticated laboratory testing were beyond the scope of this study and were not performed. Therefore, many of the analyses and projections are based upon our experience with similar soils upon which detailed testing has been performed.

The discussions and recommendations related to dynamic stability and settlements resulting from dynamic loading should therefore be considered as guidelines and approximate.

FAULT AND EARTHQUAKE HAZARDS

The property is located within a seismically active zone as does all of the Wasatch Front and, therefore, is subject to seismic hazards such as earth shaking, landsliding, and soil settlement. In addition, the site is crossed by one trace of the Wasatch Fault Zone. Another trace of the Wasatch Fault zone is inferred to lie near the western limit of the site. Associated with the faults is the attendant hazard of ground rupture and shearing. X

EARTHQUAKES

Utilizing the geologic setting of the site, the tectonic history of the region and the available seismic history, it is projected that the site could be subjected to earthquake vibrations during the lifetime of the proposed development structure, which would be considerably greater than that which have occurred during past historic shocks. If a large earthquake were to occur on the Wasatch Fault system, the proposed structures would be subjected to severe high frequency motion. For example, in the 1966 Parkfield, California earthquake, a Magnitude

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5.5 shock generated peak acceleration levels of 50 percent of gravity for distances up to one or two miles from the fault on which the epicenter is located. The peak acceleration levels of the seismic motion should be in the natural period range characteristic of low, relatively rigid type construction, such as brick and masonry. It is generally accepted that this sharp peak of acceleration which occurs close to a fault zone is not particularly critical in well designed structures because of its short time interval of application. For the site, we recommend that only properly seismically designed wood frame structures be considered. Brick veneer should be held to a minimum. As a minimum, the design requirements for Seismic Zone 3 as outlined in the 1976 UBC should be followed.

We also recommend that no structure for human occupancy be constructed within 50 feet of the middle fault and 25 feet of the western fault. The approximate locations of the defined active faults are shown on Plate 2. We can find no specific evidence to warrant the projection of the eastern fault (Plate 1) through the site. We recommend a 50 offset for the middle fault because of (1) the attendant hazard of extensive ground rupture and shearing within this zone during a moderately severe to severe earthquake, and (2) the projected instability of the adjacent steep natural slopes during a moderately severe to severe earthquake. Since these are no high and steep slopes within the development area associated with western fault, the recommended offset for this fault has been reduced to 25 feet.

LIQUEFACTION

Liquefaction of site soils would be remote due to the lack of a water table. Soils in the upper 20 to 30 feet of ground above the bluff are the type susceptible to liquefaction if saturated, however.

Because of the relatively high permeability of the site soils, we project that the chances of saturating the site soils due to normal development activities will be low. The failure of a large drain or water line could, however, result in saturation. If a large line failure were to occur, immediate repairs would be essential.

LANDSLIDES

GENERAL

In our analysis of the stability of the natural and projected manmade slopes, we have assumed that the slopes will consist of "cohesionless" granular soils which are not saturated or contain excessive zones of perched saturation. The assumption of cohesionless soil is somewhat conservative, for the natural soils, since they exhibit some cohesion and slight cementation.

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STATIC LOAD

Factors of safety of a one and one-half horizontal to one vertical slope under static conditions would be approximately one.

Failure, if it was to occur, would be in the form of a surface slump parallel to the exposed sideslopes. This is known as an "infinite slope" type failure. Generally, the thickness of the unstable moving mass is small compared to the height of the slope. A deep seated circular failure is not likely.

Some of the steeper natural slopes are relatively stable because of vegetation growth and partial cementation and cohesion.

DYNAMIC LOADING

The stability of a one and one-half horizontal to one vertical slope under dynamic loading associated with a moderately large earthquake, approximate Magnitude 5.5 to 6.0, would be substantially less than one. For a two horizontal to one vertical slope, the factor of safety would be slightly in excess of one.

Based upon the above analyses, we recommend that structures for human occupancy be constructed far enough back from the crest of a slope such that the foundation will fall below a line extending up from the toe of the slope at a slope of two horizontal to one vertical. The recommended 50 foot offset west of the approximate toe of the main bluff would be the area into which unstable soils would slide.

DYNAMICALLY INDUCED SETTLEMENTS

The loose fill soils, although minor in extent at the site, would be susceptible to damaging differential settlements if subjected to dynamic loadings such as would occur during a seismic event. In addition, the loose soils could tend to settle excessively if subjected to loading and then saturated.

For the above reasons, we recommend that no proposed structures be supported upon existing loose fill or improperly placed future fill.

EARTHWORK

SITE PREPARATION

All areas to be occupied by buildings, roadways, walkways and parking areas should be stripped of all vegetation and topsoil prior to further construction. Major root systems generally extend to depths of two to four inches. The stripped soils will be unsuitable as structural fill but may be stockpiled for later use as general landscaping fill. In most areas, vegetation has previously been removed.

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EXCAVATIONS

Ground water should not be encountered to the depth penetrated by construction at the site. Shallow temporary excavations not exceeding four feet in depth may be constructed with near vertical sideslopes. Deeper excavations not exceeding 10 feet in depth should be constructed with sideslopes no steeper than one horizontal to one vertical. Deeper excavations would require somewhat flatter slopes, on the order of one and one-half horizontal to one vertical. In the southeastern portion of the site, extensive cobbles and boulders and possible bedrock should be anticipated. Excavation of more than a foot or so of bedrock will most likely require blasting. Some large boulders could also require blasting. In general, excavation in this area will be difficult. Excavations into bedrock may be extended with near vertical sideslopes.

All excavations should be inspected on a daily basis by competent personnel. If signs of instability or excessive sloughing are noted, immediate remedial action should be initiated. Loose fill materials are especially prone to caving.

PERMANENT SLOPES

All permanent slopes, whether constructed in natural soils or compacted fill, should be no steeper than one and one-half horizontal to one vertical. It should, however, be noted that the soils at the site are readily erodible if not properly protected. Therefore, it is recommended that all slopes constructed at one and one-half horizontal to one vertical be properly planted or protected with other physical means to reduce the possibility of erosion. Previously discussed setback requirements for houses near the crest of slopes should also be followed. If more rapid slope changes are required, retaining wall systems may be utilized. All retaining systems should be designed for dynamic loading.

All slopes immediately "up slope" from structures for human occupancy should be two horizontal to one vertical or flatter or should be retained by structures designed for both static and dynamic loading. The up slope basement walls should also be designed as retaining structures when appropriate.

FILL MATERIALS AND INSTALLATION

All fill materials which will be subjected to structural loads should be of a granular nature (sands and gravels). On-site granular granular soils are suitable for this purpose. All structural fill should be placed in lifts not exceeding eight inches in loose thickness and compacted with suitable equipment to a minimum dry density of 90 percent

Attachment:

13

Response to Citizen
Comment by City Planning
Department.



To: Cottonwood Heights Planning Commission

From: Michael Black, City Planning Director

Date: October 12, 2007

Re: Comments Regarding Public Input on Wasatch Office

Staff received very few communications regarding the Wasatch Office project during the open public hearing which ended on Tuesday, October 9, 2007 at 5:00 PM. One person called to express his opposition to the project as he did not want to see "five story buildings on that site."

With regard to email, I received two during the timeframe described above. The first was simply a statement (Bob Jacobs). The second (John and D'marie Mayers), starts off with their disgust of the County's noticing practices. I have attached a report to the staff report which outlines that the County most certainly followed procedure on the zone change and have offered information which makes me make this statement. Next, the couple attack the UDOT process; I cannot defend UDOT, but can only state that they have issued a conditional approval for the access. There was no request to the City for access to any other streets, therefore, we did not entertain that option. I can state that in staff's view, the access on Prospector would not be preferable. Finally, the couple address the sensitive lands zone and state that they believe the project was taken out of the sensitive lands zone. It was not and still remains in that zone. They address other issues as well like development on 30% slopes, which this development is not doing.

The developer also submitted a letter via his attorney. That letter is attached and touched on in this memo; however, Shane Topham our City Attorney will address that letter separately.

The rest of the memo is in response to Bob Goods comments in his letter dated 10/09/2007.

Item number one.

Mr. Good has provided a letter in which he states that staff has incorrectly tallied the correct percentage of land which can be used for development on this property. He states that section 19.72.040(A), which states that "*[...] no more than 30% of a development's slope areas in excess of 30% may be included in the area calculation to determine*

density," supports this claim. And, that because the maximum of 35% (19.72.040(D)) of impervious surface calculation for the development was determined using 100% of the property within the property lines, staff erred. He further states that the development should be denied based on this.

Point 1:

The intention of 19.72.040(A) is clear in that it is regulating *density*, not *intensity*. Density is defined in section 19.04.770 of the City's code as "[t]he total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre."

The intent of this section is obviously for residential density calculations. In reviewing the planner's dictionary published by the American Planning Association and other sources, the term *density* when found on its own always means the calculation of the number of dwelling units per net or gross acre of land. The City's code definition of density, as shown above, is the same in its meaning.

As the number of dwelling were never calculated on this project, as it is neither a residential nor mixed use project, this portion of section 19.72.040(A) is not applicable and was not applicable in the review of the proposed Wasatch Office project.

Point 2.

Section 19.72.040(A) gives further options in that "[t]he planning commission may modify this requirement upon finding that:

- (a) No significant harm will result;
- (b) The proposed modification will result in a more functional and improved plan; and
- (c) The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed modification."

If the section of code is a sticking point for any, or all, of the commission, there is an option to waive the requirement if you find the above items to be true. If you asked me to make a recommendation on the above items, I would say for certain that (a) no significant harm will result in waiving the requirement; it has already been shown through the conditional use process and geological reviews that the project is relatively safe and the maximum amount of mitigation has been imposed on the project to ensure that; (b) the proposed modification will result in a more functional and improved plan. If the imposition was made as Mr. Good suggested, it would not effectively limit the scope of the project in intensity, rather it would become more intense as the developer would lose ground to use for parking which would require a parking structure to maximize useable ground. In that case, the developer would

likely have to increase the square footage of the buildings to offset the cost of the parking structure. In my opinion, this is why the section of code is for residential projects and not commercial projects; it can serve to make residential projects less intense on the land, but can make a commercial project more intense on the land; and (c), you can impose whatever reasonable conditions to mitigate any reasonable detrimental effects are anticipated. So far as I have seen, Mr. Good has been unable to show any anticipated reasonable detrimental effects caused by the project that have not already been identified by staff and covered in conditions.

Point 3.

Mr. Good intends to ask the commission to deny the application based on the fact that it does not meet the code as it is interpreted in section 19.72.040(A). As I have argued, he is incorrect in his interpretation; however, even if he were correct, the planning commission has the authority to make conditions to ensure that the development does meet code and does not create any reasonably anticipated detrimental effects that cannot be mitigated with proposed or imposed reasonable conditions.

It is staff's position that the calculation for impervious surface was completed correctly according to code.

Item number 2.

Mr. Good states that he feels that staff was incorrect in stating that buildings in the sensitive lands zone have a maximum height of 35 feet.

The maximum height for buildings in the sensitive lands zone is 30 feet. The proposed development is required to follow all current codes and therefore, they will be required to follow the RM zone, not the RM/zc as is contended by the applicant. If a complete application with all fees paid never was received for this project before the city imposed its moratorium as of incorporation on January 14, 2005, then I believe that the applicant had no vested rights under the prior zoning, and is fully subject to the City's July 2005 land use ordinance and re-zone, as subsequently amended.

The max height of the buildings will need to be 30 feet. This can be accomplished through a condition on the conditional use. As a result of the 35 feet not applying due to it being part of an old ordinance and not adopted as code by the City, none of the restrictions of the RM/zc including use restrictions and square footage restrictions apply.

Item number 3.

Mr. Good points out that the measurements on the proposed buildings are not compliant with code. Again he states that the conditional use should be denied due to this finding; however, the buildings height can be modified without changing the architecture. The

developer will be required to meet the max 30 feet to the highest point of the roof structure and if the calculations by Mr. Good are correct the buildings are very close.

Height is measured from the natural grade of the development. My calculations show that the following is true:

1. Building three is coming down 2.5 feet in the front due to grading and 13 feet in the rear. The natural grade is 5102 feet at the front of the building; the finish grade at floor level will be 5099.5. The measurement for height will be taken from natural grade which is 5102, so we can discount 2.5 feet just in the front. In the rear, we will also measure from natural grade. The natural grade in the rear is 5112 feet.
 - a. When averaging all four corners, the effective height of building three according to section 19.76.170 is 24.5 feet.
2. Building two will need to be modified, or the grading plan will at least. The natural grade is 5082 feet. The finish floor elevation is 5085.
 - a. The effective height of building two is 35 feet 3 inches to the top of the roof.
3. Building one will also need to come down a bit as the max height is 30 feet to the top point of the roof and the effective height is about 32 feet when following the steps outlined in 19.76.170.

All of the information to figure the heights is on the grading plans and the elevations. Mr. Good apparently referenced the building elevations without referencing the grading plans. Building one and two will need to be modified slightly to meet the requirements of the code. This is most definitely a situation that can be handled with a condition and staff feels comfortable making sure that the height requirements are met per code and the conditions in the approval.

Item number 4.

Mr. Good states that the city should deny the conditional use because it does not meet the standards of the conditional use section. He cites section 19.84.080(2)(b,d,k,n and o) which are:

- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
- (d) That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
- (k) That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;
- (n) That the proposed use preserves historical, architectural and environmental features of the property; and
- (o) That operating and delivery hours will be compatible with adjacent land uses.

Mr. Good offers no reasons as to why the development is not in compliance with the above mentioned items, and also fails to mention whether or not there were or are any reasonable conditions to impose which may mitigate his concerns – granted he does not identify his concerns in detail.

Even with the lack of information, I will attempt to answer the perceived concerns for you.

(b) There is no information that states that the general health and welfare will be affected by the proposed use. Staff reviewed this project in every aspect and we have found that the most serious concern of the project are the fault lines, but nonetheless, those concerns can be mitigated with setbacks and increased building code standards according to 2006 IBC standards. There is no greater risk here to persons of the vicinity as a result of the conditional use.

(d) The use will be harmonious with other uses within the same zoning district as it is a similar use to other uses in the same zone. With regard to the adjacent zoning districts, they are separated from this development by at least 60 feet of vertical distance on the north end and over 100 feet on the south end. That is in addition to the horizontal separation of over 100 feet on the north end and more than 50 on the south end. In addition the development has an abundance of vegetation to screen and protect it from neighbors.

(k) Mr. Good does not state how the buffering is not adequate. We have required full cut-off lighting and lights turn off at a certain time of night, enclosed and shielded utilities on the ground instead of the roof and an abundance of vegetation to shield the project visually also mitigates concerns. In addition, with the vertical drop of the property there is even more shielding from neighbors above the project.

(n) There is a minimum amount of cut and fills in this development. 65% of the development will remain completely untouched by development and will stay that way. All trees which can be saved will be saved and there are no historical or architectural features to save.

(o) There are no delivery hours outside of normal business hours as this is an office park. Grocery stores and other retail stores are more likely to affect neighborhoods by daily deliveries than office complexes. Operating hours should be left open as all activities take place inside buildings. As far as lighting, it is suggested that it cut off at 10:00 PM or sooner in the evening.

Again, Mr. Good has not provided a lot of information on this topic to address. With more specific information, I could address exact conditions to mitigate his concerns.

Item number 5.

The City Geologist will address this item in detail.

Item number 6.

The developer is willing to provide the easement to the City. We can work this out as an irrevocable access easement subject to time, place and manner restrictions.

Item number 7.

Mr. Good would like you to further restrict the RM/zc ordinance to eliminate "*public and quasi-public uses*;" However, the RM/zc does not apply to this application as Mr. Good acknowledges in item number 2 and 3 of his letter. The RM zone of the City rules in this application, not the County ordinances including the RM/zc as the applicant did not apply and receive a conditional use approval under that zone.

If the planning commission approves the conditional use as requested, it will lock the use of the property in to the professional/medical office use.

Attachments: Bob Jacobs email, Mayer's email, Bob Good letter and attachments, Hutchins Baird Curtis & Astill PLLC letter

CALLISTER NEBEKER & McCULLOUGH

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Wm. Shane Topham

TO CONTACT WRITER DIRECTLY
(801) 530-7478
wstopham@cnmlaw.com

October 16, 2007

Via E-Mail

Michael A. Black
Planning Director
COTTONWOOD HEIGHTS
1265 East Fort Union Blvd., Suite 250
Cottonwood Heights, UT 84047

Re: "Wasatch Office" Project

Dear Mike:

You've asked me to respond to the assertion by attorney Alain C. Balmanno (in section 1 on page 2 of his 9 October 2007 letter to the planning commission concerning the "Wasatch Office" project) that Salt Lake County's 9 March 2004 re-zone of the "Wasatch Office" realty (the "*Property*") "created a vested right for [the project], and the zoning itself vested the height and square footage of the buildings."

My view of this situation differs from Mr. Balmanno's. In *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), the Utah Supreme court enunciated Utah's vested rights doctrine as follows:

[A]n applicant is entitled to a building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application and if he proceeds with reasonable diligence, absent a compelling, countervailing public interest. Furthermore, if a city or county has initiated proceedings to amend its zoning ordinances, a landowner who subsequently makes application for a permit is not entitled to rely on the original zoning classification.

Id. at 396. This same two-part test was followed by the Utah Supreme Court in *Scherbel v. Salt Lake City Corp.* 758 P.2d 897 (Utah 1988), where the court held that an applicant did not obtain vested rights when the application did not conform to the existing zoning code, noting that allowing an applicant to obtain vested rights for incomplete or preliminary papers would defeat the purpose of zoning regulations. *Id.* at 901.

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Page 2

In 2005, the revised Municipal Land Use, Development, and Management Act, UTAH CODE ANN. §§10-9a-101 *et seq.* (“LUDMA”) was adopted. Among other changes from the prior version, new LUDMA codified the vested rights doctrine under *Western Land Equities* and its progeny:

(1)(a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality’s land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

(ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

UTAH CODE ANN. §10-9a-509(1)(a). Here, Salt Lake County re-zoned the Property in March 2004 from R-1-10 to RM/zc. That RM/zc zone (which effectively was a new zone created by Salt Lake County for the Property) imposed certain use conditions, a 35' height limit, and limited total building square footage to 50,000 gross square feet. However, it is my understanding that a complete development application for the Property never was filed with Salt Lake County, and that Salt Lake County eventually closed its file concerning such proposed development just prior to the incorporation of Cottonwood Heights (the “City”) on 14 January 2005. As a result of the City’s incorporation, all of the land within the City arguably became unzoned. Consequently, upon the City’s incorporation, the city council immediately imposed a six-month zoning “moratorium” (i.e.--temporary land use regulations under UTAH CODE ANN. §10-9-404 in effect at that time, since re-codified as §10-9a-504 of new LUDMA) pursuant to ordinance no. 05-11 to allow the City adequate time to prepare and adopt a general plan, a land use ordinance, and a zoning map.

In July 2005, the City adopted its general plan, land use ordinance and zoning map. As part of that process, every piece of land in the City was re-zoned, including the Property. No vested rights concerning the Property were at issue in connection with that re-zone because, as explained above, no complete development application (including payment of all fees) concerning the Property was pending with the County when the City incorporated, and (due to the six-month zoning moratorium in effect from the City’s incorporation through adoption of the new land use ordinance and zoning map) no such application could have been filed with the City until July 2005 or later. Until such an application was filed and all fees paid, the Property was subject to all intervening changes to the City’s general plan, land use ordinance and zoning map, including the City’s July 2005 adoption of a new 30' height limit applicable to the Property under COTTONWOOD HEIGHTS CODE §19.76.170 and the July 2005 re-zone of the Property to the City’s RM zoning designation (with all attributes and standards applicable to that zone under the City’s new land use ordinance) from the County’s RM/zc zoning designation.

October 16, 2007

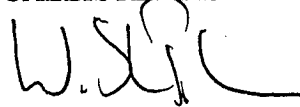
Page 3

Consequently, I think that it is clear that any zoning or use attributes available to the Property under the County-imposed RM/zc zone were lost upon the City's incorporation because there was not a complete development application pending, with all fees paid, for the Property on 14 January 2005. Real property always is subject to being re-zoned, and land use ordinances always are subject to amendment, conditioned only on the governing authority's compliance with the requirements of LUDMA. An owner's right to continue legal uses of realty pre-dating such an ordinance amendment or re-zone is protected by the "nonconforming use" provisions of UTAH CODE ANN. 10-9a-511. If the owner has not actually commenced such a legal use at the time of the amendment or re-zone, however, his right to pursue a planned use is only protected if a complete application is on file, and all fees paid, with the city concerning such proposed use. Failing either a preexisting legal use or the prior filing of a complete application (with fees paid) as of a re-zone or ordinance amendment, the owner's right to pursue a planned use is not vested, and is subject to the amended land use ordinance or zoning map.

Further, I simply would note that the City's July 2005 re-zone of the Property and adoption of its land use ordinance decreasing the available height to 30' complied with all public noticing, public hearing and other requirements of LUDMA, and that the time for appealing such land use decisions of the City has long since passed.

Very truly yours,

CALLISTER NEBEKER & McCULLOUGH

A handwritten signature in black ink, appearing to read 'W. S. Topham', written over the printed name.

Wm. Shane Topham

WST:wst

WST/CH/495634.1

Attachment:

14

Citizen comment packet B:
citizen comments from
October 17, 2007 to October
31, 2007

Date: October 13, 2007

To: Michael Black and Planning Commission
Cottonwood Heights City

Subject: Response from Michael Black Re: Citizen Comments Regarding Public
Input on Wasatch Office

The following paragraphs represent the concerned citizens' response to the Planning Director's Comments submitted to the Planning Commission on October 12, 2007 regarding specific issues presented in our submission of October 9, 2007 concerning the Wasatch Office Complex proposal. In addition, at the end of this memo, the citizens provide comments with respect to the letter submitted by Hutchings Baird Curtis & Astill, representing Blaine Walker, the applicant.

With regard to the first paragraph in this document where it is stated that staff received very few communications regarding the Wasatch Office project during the open public hearing which ended on Tuesday, October 9, 2007 at 5:00 pm, we vehemently disagree. There were many people who attended the Planning Commission meeting on October 3, many of whom made comments. In addition, the document submitted to Michael Black and the Planning Commission on the deadline of October 9, 2007 represents communication from many concerned citizens as indicated on the signature of the cover letter for this document.

The Planning Director states on page 1 that the memo is in response to Bob Goods comments in his letter dated 10/09/2007. The Planning Director refers constantly to Bob Good as the one stating and requesting. The fact is that the documents submitted represent the view and contributions of many concerned citizens who participated in the formation of the documents we submitted on October 9. The document was submitted by the Cottonwood Heights Concerned Citizens, just as it says on the cover page.

Item number one, Point 1:

The citizens do not believe that the intent of ordinance 19.72.040(A) was, nor is, intended only for residential buildings. If this were the case, then the proposed office buildings would not be required to obey the section that states that slope areas in excess of 30% may not be developed. Moreover, ordinance 10.72.040(A) is titled "**A. Development in General.**" This clearly states that this paragraph is not limited to residential buildings as defined by density and the intent was to apply to any development.

Revised Staff Report, Under Site Layout:

The staff report states that "Of that acreage, 65% is unusable due to excessive slopes or ultimately due to section 19.72.04(D) Maximum Impervious Surface, which states that the development shall not exceed a maximum impervious surface calculation of more than 35%." This statement omits an important clause that is in the ordinance.

In reality, the ordinance 19.72.040(D) reads: "The total maximum allowable coverage by impervious material within a project or portion of a project within the Sensitive Lands Overlay Zone shall not exceed 35% of the project area." As stated in our Citizen's document, Item 1, the calculation of total impervious material is incorrect, as it is calculated as 35% of the total property rather than, as the ordinance states, 35% of the total project area and our calculation is correct.

Item Number 4, Conditional Use Violations:

The Planning Director states that we offer no reasons for citing the specific paragraphs of Ordinance 19.84.080. In reality, the staff apparently did not read all of the stated Item 4. In Item 4, the reference to the Addendum attached to the submission states clearly "Refer to the Addendum for photographs of the proposed project site taken from nearby residences and facts that verify the non-compliance with this ordinance." Apparently, staff did not review the Addendum.

Item Number 5

We have not yet seen the city geologist response as of this date.

Comments to the letter submitted by Hutchings Baird Curtis & Astill, representing Blaine Walker, the applicant.

Public clamor:

In paragraph 5 of the letter, the attorney refers to "public clamor" as not an adequate legal basis for the city's decision. The fact is that the concerned citizens have intensely reviewed all traffic, geologic and ordinance related documentation available and base their concerns on those issues, and public clamor has played no role in these issues.

Item 3:

The attorney quotes hours of construction to 7:00 a.m. to 8:00 p.m. The revised Staff Report proposes the hours of 7:00 a.m. to 6:00 p.m.

Item 5: Comments to hours of operations

No where in the plan is it stated what the hours of operation will be, nor does it state what days of the week the complex will be open. How will the tenants know if the parking lot is being used as a park and ride area for skiers and hikers? Will the owners issue parking permits for tenants and/or have a security guard checking to see that only those authorized (i.e. employees and patients/visitors) are parking therein.

Last Paragraph: While we appreciate...

Contrary to the attorney's statement in this paragraph, much expert testimony and evidence has been given and presented by the neighbors. Many of the public and neighbors are professionals in their own right. Comments made by neighbors are based on research and reviewing many ordinances, including proper interpretation of these ordinances with respect to applicability and calculations. This is especially true with regard to evaluation of state, county, and city documents concerning geological hazards and their effect on public safety and well-being.

Comments regarding traffic patterns are made from intelligent individuals from actual experience of traffic patterns and who live in the area.

In contrast to the last sentence in this paragraph that the attorney purports, the public has not expressed themselves with emotion or hearsay, but rather we have conducted ourselves at all meetings in a very professional and courteous manner. We have expressed ourselves with precision, accuracy, and reference to ordinances, land studies and other documents. The citizens who oppose this development know the area and what risks, light pollution, noise pollution and visual impacts will be created by this proposed business development in a purely residential area.

Respectfully submitted this 13th day of October, 2007 by:
Cottonwood Heights Concerned Citizens

W. Robert Good, PhD
7730 S. Quicksilver Dr.

Michael Black

From: JS Thompson [jamessthompson@gmail.com]
Sent: Thursday, October 25, 2007 9:10 AM
To: Bruce Jones; Michael Black; Liane Stillman
Cc: rmgoodtt@msn.com
Subject: Proposed Office Complex on Wasatch Blvd.

Mr. Jones, Mr. Black, Mr. Stillman,

I am writing to express my concern and objection regarding the proposed building of an office complex in my neighborhood. I understand most of the specifics to this issue, with the land having been purchased and zoned as commercial some time back. But, given the present conditions it seems prudent that this situation, and the subsequent use of this land, be re-evaluated. As a parent and home owner in Cottonwood Heights, I am already uneasy with the growing traffic through Wasatch Blvd. It has become a mini thoroughfare as the population of the valley has increased. Vehicular accidents occur with regular frequency at both the Bengal Blvd and Ft. Union Blvd intersections. The buiding of this office space will only add to these issues, in turn, making our neighborhoods a little less safe, less quiet, and more polluted.

The other component of this proposal that I find unfortunate, is the issue of over-developing Salt Lake City. Vacant land does not, inherently, need to be developed. Is this office space needed? Are businesses struggling to find office space? Are there no other areas that are already in commercial locations that would be better suited for this type of building? Ultimately I do not see the value of having a commercial building added into the scheme of our neighborhood.

Changing the zoning or conditions of land use is not uncommon. In many states land and its use have gone through changes to accomodate growing populations, protect the environment and uphold real estate values. The decision on how this land is used needs to be made by the community with the community in mind. I hope that a better solution can be created (and accepted) other than the approval of this construction. I would like to know that my neighborhood will retain its residential and family feel and that this construction will not take place.

Please feel free to contact me if you have any questions.

Best regards,

Sam Thompson
801-326-9242

Michael Black

From: matt sheehan [mattbsheehan@hotmail.com]
Sent: Friday, October 26, 2007 11:02 AM
To: Michael Black; Liane Stillman; Kelvyn Cullimore; Bruce Jones; rmgoodtt@msn.com
Subject: Proposed Wasatch Office Complex

Sir,

I recently learned that the proposed Wasatch Office Complex development on Wasatch Blvd is in final the final approval phase.

As with many of our neighbours in the area, we are strongly opposed to this development. To build such a facility in a residential area and on such a busy road is folly. Already the traffic on Wasatch is bad and with this development will become worse. The only beneficiaries of this development will be those with a commercial interest. I urge you strongly to not approve this development.

faithfully,

--Matt Sheehan

Boo! Scare away worms, viruses and so much more! Try Windows Live OneCare! [Try now!](#)

11/28/2007

Michael Black

From: Glenn Palmer [palmerga@msn.com]
Sent: Friday, October 26, 2007 2:52 PM
To: Michael Black
Cc: Glenn Symes
Subject: WASATCH OFFICE COMPLEX - PUBLIC COMMENT

Glenn A. Palmer
7986 Top of the World Drive
Salt Lake City, UT 84121

October 26, 2007

Michael Black, Planning Director
Cottonwood Heights
1265 East Fort Union Blvd.
Cottonwood Heights, UT 84047

RE: WASATCH OFFICE COMPLEX PUBLIC COMMENT

I am writing regarding the Wasatch Office Complex at 7755 South Wasatch Blvd (SR-210). I am concerned about the hazardous traffic conditions that have not been adequately addressed by Cottonwood Heights, the developer, or Utah DOT: 1) No adequate study was performed by UDOT measuring morning/evening/weekend traffic on Wasatch Blvd (relying only on builder study is suspect) 2) No specific construction plan, drawings, or timeframe for center turn lanes or exit lanes exist. 3) The capacity limits of the roadway and hazards of the intersections have not been defined.

After reviewing your Staff Report posted on your website, I feel traffic hazards have not been mitigated, and UDOT has not provided detailed plans for widening the road. The plan does not address the traffic back-up from southbound vehicles turning left into the facility on Wasatch Drive (SR-210). At rush-hour these long lines could result in gridlock and accidents. Regarding UDOT's responsibilities, the proposed road changes are not evident in the *Larsen and Malmquist* drawing (pg 12 of Staff Report). The drawing shows a new middle turn lane off Wasatch Blvd, however, the land survey of the development, specifically Building #2, should be compared to the highway right-of-way. There does not appear to be enough room for UDOT to widen SR-210 to accommodate this new center turn lane. Furthermore, there does not appear to be adequate right of way for the new right turn lane for northbound traffic. Lastly, what is their budget and timeframe for making these proposed road changes? It's my concern that after the construction begins, the additional lanes will be sacrificed due to inadequate space or budget and the community will be forced to accept the risks of the hazardous intersection and another traffic bottleneck.

Even a short walk along Wasatch Blvd during peak traffic reveals that traffic safety measures must be a condition of approval to build, including:

- Adding turn lane for entry/exit from facility
- Increasing length of existing turn lane at Honeywood Cove Lane
- Adding rough-pavement road strips or other warnings for downhill, northbound lanes approaching Stop light at Bengal Blvd.

I urge you to reexamine these issues and require a UDOT review of traffic, and an independent land survey of the proposed facility entrance. I would further recommend that you consult the Sheriff's Department due to their experience in responding to mishaps at this intersection. Lastly, the public must see the road improvement plans, road construction schedule, and evidence that UDOT has budgeted and funded the project.

For your convenience, I have attached PowerPoint explanation of my concerns.

Thank you for this opportunity to comment on the development. I look forward to your response.

Sincerely,

11/28/2007

GLENN A. PALMER
Resident, Cottonwood Heights
palmerga@msn.com
(801)947-5777

Attachments: PowerPoint Presentation

Public Comments

Wasatch Office Complex

26 October 2007

Glenn A. Palmer

7986 Top of the World DR

Salt Lake city, UT 84121

Wasatch Office Complex Facility Entrance/Exit

- UDOT Traffic Study and survey was not completed
- No plans are cited for additional traffic measures
- Hazards exist:
 - Southbound vehicles lining up to make left turn into facility will cause hazardous congestion without turn lane
 - Afternoon/evening Southbound traffic is increasing with new housing off Wasatch
 - Vehicles exiting left (Southbound) are below rise in Wasatch, making visibility of downhill traffic difficult
 - Fast (downhill) northbound traffic increases hazards

FILE #616

At Phoenix County to see a doctor weekly, or just as
the doctor in the State of Illinois that he was
in the State of Illinois.

Bengal Blvd.

~~Prospector Dr.~~

Prospector Circle

**< Top of the
World Dr.**

Proposed Buildings in Red

[illegible]

Recommendations

- Reduce hazards before construction
- Add road improvements as condition of approval and required before construction
- UDOT PE conduct walk-around survey of inspection on weekday morning (7:45-8:30) and afternoon (4-5PM)
- Coordinate with a local Sheriff's Deputy who responds to calls at this intersection
- Consider the following as minimum:
 - Add turn lane for entry/exit from facility
 - Increase length of existing turn lane at Honeywood Cove Lane
 - Add rough-pavement road strips for downhill, Northbound lanes approaching Stop light at Bengal Blvd.

James R. Brown
4076 Prospector Drive
Salt Lake City, Utah 84121
Tel (801) 942-3001
Fax (801) 942-2934

October 30, 2007

COTTONWOOD HEIGHTS CITY
ATTN: MICHAEL BLACK, PLANNING DIRECTOR
1265 FORT UNION BLVD, SUITE 250
COTTONWOOD HEIGHTS, UTAH 84121

In re: Proposed Wasatch Office Complex

Dear Mr. Black:

One of the major themes for the decision to incorporate as a city was the "promise of local decision making powers" which would be responsive to the citizens of the city! Yet, to date, all we have received on the foregoing matter is the exact opposite! The following matters are of great concern to me as well as other citizens of our city as it relates to the Proposed Wasatch Office Complex:

FAILURE OF THE CITY TO REQUIRE A DENSITY STUDY

There has never been any detailed study of the traffic impact for the proposed Office Complex. To date the only study consists entirely of UDOT making a "traffic count on two separate dates". Where is the real DENSITY STUDY which evaluates not only the traffic count, but the following items:

- A. The number, and the times of the day that traffic will be impacted with the addition of an Office Complex ?
- B. The number of visitors as well as the employees/professionals that will office or be employed and housed in the Complex?
- C. The impact of the traffic particularly during "rush hours" and the impact of ingress and egress and turning lanes with the flow of existing traffic during the "rush hours"?
- D. The total impact on traffic flow (even that which exists and will exist in the foreseeable future without the Complex traffic) of the traffic light configuration located at Bengal Blvd and at Big Cottonwood Canyon Road/Fort Union Blvd?

E. An additional traffic light is not feasible within such a short distance of Bengal Blvd and Fort Union.

F. The number of 125 vehicles per day used by the Developer is not only unrealistic, but unsupported by the office complex just south of the proposed development.

G. Other developers are required to have a complete "Density" study and have the same submitted and analyzed for accuracy and impact before the building of office complexes. Where is the Density Study?

F. I have been in "office Complexes" all of my professional life of over 35 years. The number of 125 vehicles for 24,000 square feet of offices is unrealistic. Our office which consisted of less than 24,000 square feet had over 100 vehicles not including the clients and visitors.

LAND SLIDES AND FAULT LINES ARE IGNORED

The "Goon" house located at 3744 Prospector Circle, which is presently under construction, discloses vividly the precarious nature of the sliding potential in the very area of the proposed Complex. One only has to observe the beginning erosion on the west side of the home to be concerned that the land is unstable and suspect to sliding. The State of Utah has just completed a study on the "sliding nature of the hillsides in the State". Has anyone looked at that study to determine the feasibility of this Complex in light of the nature of the soils? The State Study is far more comprehensive than that submitted by the Developer! IT IS IMPERATIVE THAT A COMPLETE AND THOROUGH EVALUATION IN LIGHT OF NEW STANDARDS AND RECOMMENDATIONS BY THIS STUDY BE IMPLEMENTED BEFORE ANY APPROVAL.

The fault lines that have been "discovered" of late by the Canyon Racquet Club discloses the precarious nature of the land under consideration for this Complex. The land proposed for this Complex is far less stable, contains more fault lines, and a sure formula for disaster by being built upon and utilized for a commercial office complex than that of the Canyon Racquet Club. Building Nol. 3 appears to be partially located within the 24 foot set back of the fault lines. This observation is made on the Larsen & Malmquist, Inc. Drawings dated as "received Oct 17, 2005". The plans are dated October 13, 2004. IS THERE A NEWER VERSION?

There is serious question of meeting the impervious materials on the project exceeds 35% of the total project and further the maximum amount of impervious surface for streets and roadway not exceed 20%. Yet with the addition of the widening and ingress and egress streets, it does exceed 20%. ALL OF THIS IN A RESIDENTIAL NEIGHBORHOOD?

COTTONWOOD HEIGHTS CITY WILL PAY

Cottonwood Heights City will pay one way or another if this complex is approved or disapproved.. If the project is approved, the city (and really the taxpayers of the city) will be sued and responsible for the approval of such a risky complex based upon the "Impaired lands" provisions, the failure to obtain a complete "Density Study", and the failure to respond to the known and obvious hazards of the sliding soils, and the fault lines. IF THIS IS APPROVED,

THE CITY HAS BOUGHT A POTENTIAL DISASTROUS OUTCOME, AND THE TAXPAYERS WILL HAVE TO PAY.

This land should be condemned as a park. The City, through its officers, is considering the future "purchase of the Elementary School near the Cottonwood Heights Recreation Center for the proposed building of a City Complex". That purchase will eliminate in part if not in toto the only park, soccer fields and other facilities of a "park nature". The City would be better off to condemn the land proposed for the Office Complex, and make a park as a replacement of the outdoor facilities that will be lost by the construction of the future City Complex. LETS USE SOME FORESIGHT AND PLAN WISELY. DON'T FOCUS SOLELY ON "TAX REVENUE" FOR THE REAL OPPORTUNITY TO BENEFIT OUR COMMUNITY AND ITS RESIDENTS. LETS NOT BLIGHT A RESIDENTIAL AREA WITH AN OFFICE COMPLEX, WHICH IS NOT NEEDED, AND IGNORE THE NEEDS FOR A PARK WITH SOCCER FIELDS, AND OTHER OUTDOOR FACILITIES. It is therefore urged that the proposed Office Complex be denied.

Respectfully submitted,

James B. Brown



cc: Mayor K. Cullimore
Councilman B. Jones
City Manager Liane Stillman

Date: October 30, 2007

To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Document Submissions Regarding:
Wasatch Office Complex Proposal to be Heard
November 14, 2007 Planning Commission Meeting

Attached to this memo are three documents hereby submitted to the Cottonwood Heights Planning Commission by concerned Cottonwood Heights citizens and residents living nearby the proposed office complex at 7755 S. Wasatch Blvd. These documents include

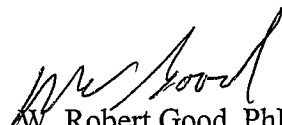
[1] comments and questions in need of action regarding the response of the planning staff to previous submissions and the discussion that took place at the October 17, 2007 PC meeting,

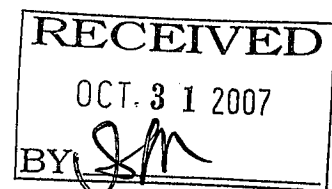
[2] a response to comments regarding trench studies and building setback requirements referred to in the IGES response to geological issues, and

[3] a document prepared by a Utah licensed Geologic Engineer of SBI which reviews and analyzes the geological studies utilized by the developer and signed off by the city in the evaluation of the site suitability for construction of the proposed 3 office buildings.

Document [3] is considered proprietary and is being submitted for Planning Commission review. No copies of the Document [3] may be distributed outside of Cottonwood Heights City Hall.

Respectfully submitted this ^{31st}30th day of October, 2007 by:
Cottonwood Heights Concerned Citizens.


W. Robert Good, PhD
7730 S. Quicksilver Dr.



3:50 pm

Date: October 30, 2007

To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Response to Comments of IGES

In several of his responses, Mr. Alba refers to both the AMEC trench study done in 2004 and the GSH trench study done in June, 2006.

We have noted that the "D=Expected fault displacement per event..." quoted as 9 feet used to calculate the setback by AMEC is "an acceptable displacement...". In actuality, the AMEC tables do not contain a single D factor of 9 for any of the identified faults. In any case, if a D value of 9 were used, the setback distance, as calculated according to equations provided by Christenson, et.al and the UGS, would be far greater than the 25 foot setback that he is accepting.

In his responses in which he cites the GSH trench study, which was done most recently in June, 2006, Mr. Alba indicates that the setbacks proposed in the civil drawings of the Wasatch Office Complex (24 foot setbacks) are adequate. Yet, the GSH report dated June 22, 2006 provides a table of correctly calculated setbacks based on the locations of identified faults determined through trenching done by Western GeoLogic, LLC. The GSH report also provides a map showing recommended setback zones for each building in Figure 3 of their report. Their conclusion is that buildings 1 and 2 are not impacted by fault locations or setback zones. However, they also state that the location of building 3 is impacted negatively by the recommended setback zones.

The study report specifically states, "The results of the recent trenching show that the active fault is, in fact, further to the east. Available data indicates that some adjustment either to the configuration or layout of northerly-most building will be required". In Figure 3 (which we have attached as provided in the report) and an expanded version of Figure 3 specifically showing the recommended setbacks and location of building 3, it is clear that this building does not meet the recommended setback from the fault identified as F2a. Moreover, the rear of building 3 is very close to the setback limit recommended from the eastern fault identified as F3a. It is very unlikely that simply moving the building further east will place it outside both the east and west setback limits.

It would appear that the only possible solution would be to substantially reduce the size of this building, or remove it altogether. The buildable zone between east and west setbacks is extremely narrow in this segment of the property (approximately 50 feet) and, according to the survey drawings, the width of the building proposed is 56.75 feet, wider than the buildable zone between the fault setbacks.

31st
Respectfully submitted this 30th day of October, 2007 by:
Cottonwood Heights Concerned Citizens


W. Robert Good, PhD
7730 S. Quicksilver Dr.

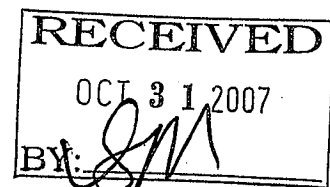
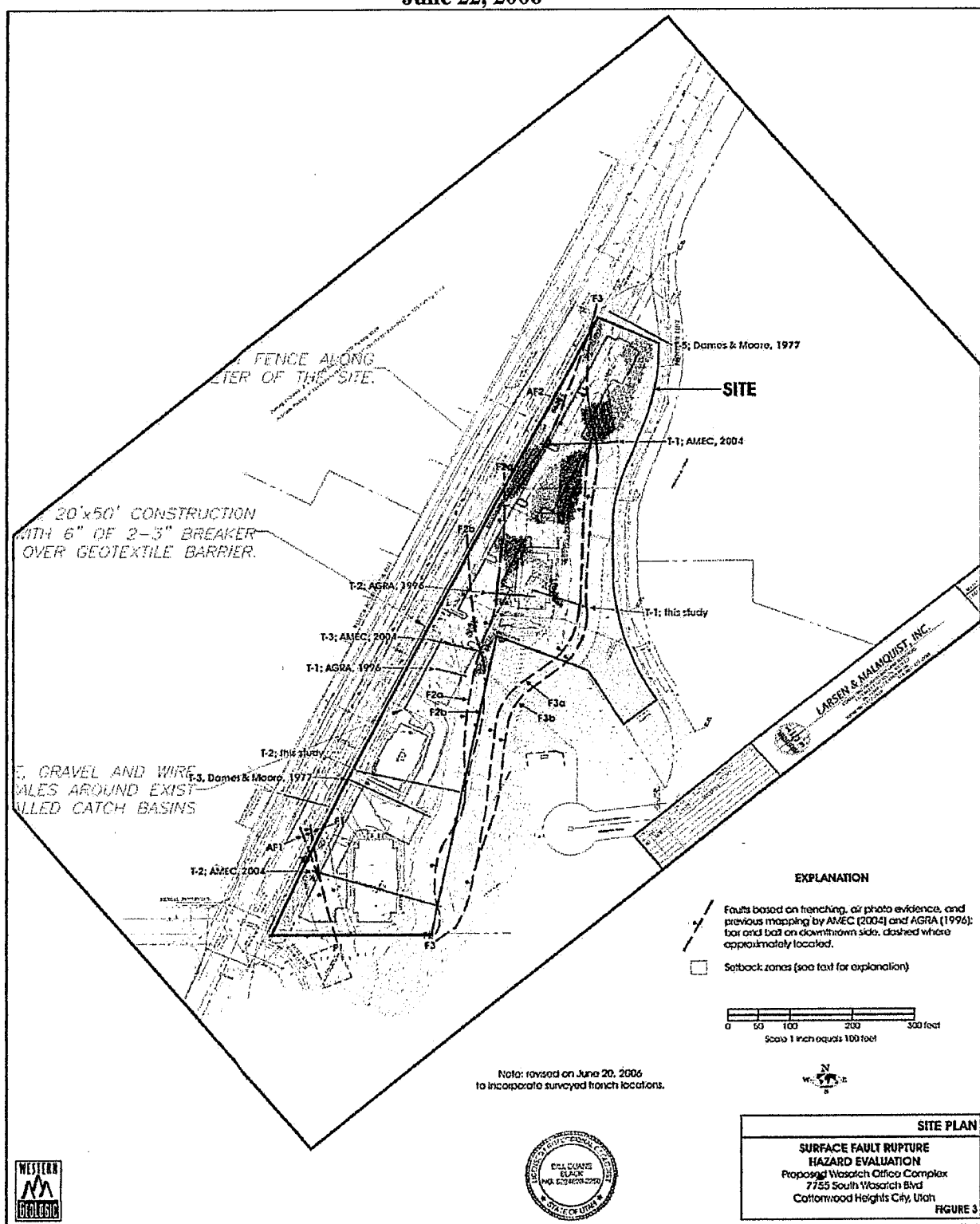
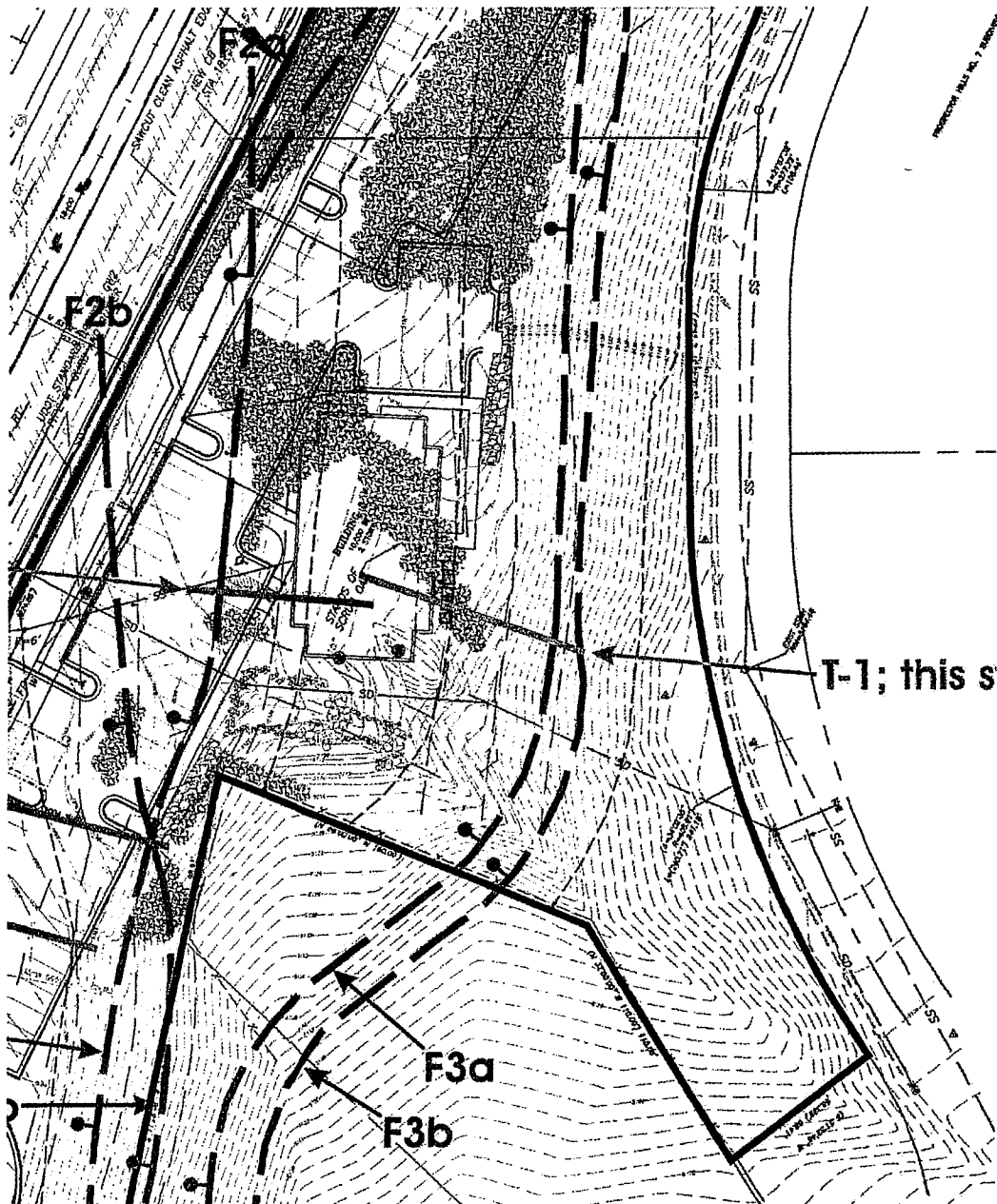


Figure 3 from GSH Supplemental Fault Study
June 22, 2006



Expanded diagram of Building 3 location relative to Fault Lines F2a and F3a according to GSH Supplemental Fault Study of June 20, 2006.

Expanded diagram taken from Figure 3 as referenced in the report.




Date: October 30, 2007

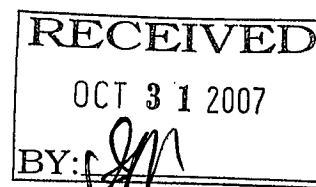
To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Document Submission Regarding:
Wasatch Office Complex Proposal to be Heard
November 14, 2007 Planning Commission Meeting

Attached to this memo is a Geologic Review report concerning geologic studies of the property at 7755 S. Wasatch Blvd. This report was prepared by David B. Simon, P.G., a Utah licensed geologic engineer and Principle Engineering Geologist at Simon - Bymaster, Inc. This report is submitted for review by the Planning Commission by concerned citizens of Cottonwood Heights and is considered proprietary. No copies may be distributed outside of Cottonwood Heights City Hall.

31st
Respectfully submitted this 30th day of October, 2007 by:
Cottonwood Heights Concerned Citizens.


W. Robert Good, PhD
7730 S. Quicksilver Dr.



3:50 PM

October 30, 2007

Mr. W. Robert Good
Mr. Thomas White
South Quicksilver Drive
Salt Lake City, Utah 84121

Subject: Geologic Review
Wasatch Office Complex
7755 South Wasatch Boulevard
Cottonwood Heights
SBI Project No. 2-07-372

Dear Mr. Good and Mr. White,

Per your request, SBI reviewed available geologic documents for the subject project, which included a review of the Cottonwood Heights City file. The primary purpose of our review was to assess the adequacy of the various reports in regards to addressing surface fault rupture hazard potential at the property. See references for the documents reviewed.

IGES is providing geologic consultation to Cottonwood Heights City and performed the review of geologic reports submitted by GSH, the geotechnical-geologic engineering firm of record for the project. Based on our review of Cottonwood Heights City project files, six review letters were submitted by IGES and they appear to have been thorough and "ask the right questions." However, SBI disagrees that the site has been adequately investigated for surface fault rupture potential. Several important issues have, in our opinion, not been adequately resolved.

1. Professional responsibility: GSH is apparently relying on the work of others, in particular AMEC (2004) and AGRA (1996). It appears GSH is using AGRA (1996) trench T-2 as a basis for their investigation of building 3 and GSH is using AMEC (2004) trench T-2 for their investigation of building 1. We were unable to find any statements in the GSH documents where they specifically state they are incurring the professional and legal responsibility for the previous work.

2. Accuracy of trench locations: IGES (2006a) states in item C (p. 1): "We question the accuracy of the previous work in relation to the existing work. Were the earlier trenches surveyed or were they approximately located. Exact locations for the faults identified are necessary in order to define setback zones. If trenches were not located then setback zones can be inaccurate, additional trenching may be required to accurately delineate the setback zones." SBI concurs with this statement.

GSH (2006a) responds "To the best of our knowledge the other trenches were located by 'taping' and should be considered accurate to within 5 feet or less."

In our opinion, the GSH response is unsubstantiated and based on conjecture. SBI found no reference in AGRA (1996) and AMEC (2004) as to how the trenches were located, "taping" or otherwise. GSH should be required to define what "...to the best of our knowledge..." actually means and how they deduced accuracy "to within 5 feet or less." Given these facts, it is our opinion that the location of AMEC (2004) trench T-2 is unreliable and building location 1 should be re-evaluated with a trench that specifically addresses the proposed building pad, extending beyond the building pad a distance of at least 50 feet. If an accuracy of 5 feet be acceptable to Cottonwood Heights City, an additional 5 feet should be added to the recommended width of recommended building setback areas to account for the specified uncertainty in the accuracy of fault and trench locations.

Christenson and others (2003) provides a minimum prescriptive standard for evaluating surface fault rupture hazards in Utah (see Item 7). In regards to locating trenches and faults, Christenson and others (2003) states (p. 7): "Trenches and faults must be accurately located on site plans and fault maps. Some local governments strongly recommend trench and fault locations be mapped by a registered professional land surveyor."

Appendix A of the Salt Lake County Geologic Hazards Ordinance (Salt Lake County, 2002) provides a minimum prescriptive standard for evaluating surface fault rupture hazards in Salt Lake County (see Item 7). In regards to locating trenches and faults, Salt Lake County (2002) states (p. 4): "It is strongly recommended that trench(es) and fault location(s) are surveyed by a registered professional land surveyor."

3. Fault map: The GSH (2006c) fault map is highly suspect in regards to how the various faults are delineated.

- a. The faults are delineated with a dashed line, which generally indicates "approximately located." On a site of this size, with several faults traversing the property, accuracy is paramount.
 - b. Faults F2a and F2b are shown crossing near building location 2, which is, in our opinion, highly questionable from a geologic perspective and once again casts serious doubt on the accuracy and understanding of the location of the various fault traces.
 - c. Faults AF1 and F-1 are based on one trench and apparently on the orientation of the fault as measured in the trench (AMEC, 2004), which is rarely reliable. The minimum prescriptive standard is, when reasonable, to use at least two trenches to define the location of a fault.
4. Depth of Trenches: In our opinion several of the trenches were not excavated to a sufficient depth to properly evaluate the site for surface fault rupture hazard potential. AMEC (2004) T-2 and T-3 and GSH T-1 and T-2 (2006c) were excavated to maximum depths of about 8 feet and did not extend through the Holocene-age sediments. It is quite possible that faults may not have been documented due to the limited depth of exploration.

Christenson and others (2003) state (p. 7): "For suspected Holocene faults, trenches should extend through all unfaulted Holocene deposits and artificial fill to determine whether a fault has been active during Holocene time. However, an early Holocene fault may be concealed by unfaulted younger Holocene deposits and not be encountered within the practical depth limit of trenching, generally 15 to 20 feet (5-6 m) in most cases. For such trenches exposing unfaulted Holocene deposits where pre-Holocene deposits are below the practical depth of trenching, the practical limitations of the trenching should be acknowledged in the report and uncertainties should be reflected in the conclusions and recommendations. In cases where an otherwise well-defined Holocene fault is buried too deeply at a particular site to be exposed in trenches, the uncertainty in its location can be addressed by increasing setback distances along a projected trace."

Salt Lake County (2002) states (p. 4): "A frequently-asked question is 'How deep must the trench be?' The trench must be deep enough to extend below Holocene deposits (see below) - generally in the 8-12-foot range, but sometimes deeper. Please see the note below about practical limits of excavation....In cases where Holocene active faults may be present, but pre-Holocene deposits are below the practical limit of excavation, the trenches must extend at least

through sediments inferred to be older than several fault recurrence intervals. The practical limitations of the trenching must be acknowledged in the report and recommendations must reflect resulting uncertainties."

None of the reports reviewed acknowledge the practical limitations of exploration and the uncertainties in their conclusions and recommendations. Also, apparent uncertainties in fault locations are not addressed by increasing setback distances along a projected trace.

5. Professional Signatures: The GSH (2006c) report is not signed or sealed by a professional geologist as mandated by the Utah Professional Licensing Act. This was specifically pointed out by IGES (2006b; 2006c). In response, GSH states that they submitted their sub-consultant's geologic study (Western GeoLogic). SBI was not able to locate the Western GeoLogic report in the City file nor were we able to locate an IGES review of the Western GeoLogic report. In our opinion, the Western GeoLogic report should be reviewed in regards to fulfilling the minimum prescriptive standards for surface fault rupture hazard studies in Utah.
6. Building setbacks: GSH (2006c) indicates that the northern building is located within their recommended building setback area. In our opinion, project approval should be contingent upon a site plan that is in accordance with the findings of the surface fault rupture hazard study.
7. Standard-of-care: In several documents IGES (2006a; 2006d) addresses "standard of care," explanations which SBI fundamentally disagrees with. Appendix A of the Salt Lake County Geologic Hazard Ordinance (Salt Lake County, 2002) and the Utah Geologic Survey Guidelines for Evaluating Surface-Fault-Rupture Hazards in Utah (Christenson and others, 2003), do not establish a minimum "standard of care" but actually provide minimum prescriptive standards for evaluating surface fault rupture hazards in Salt Lake County and in Utah, respectively. Many projects require more sophisticated or refined evaluations than outlined in a minimum prescriptive standard. Please see attached publication by Shlemon (2006), from which we quote: "Prescriptive Standards: These are typically laws, codes and guidelines that establish the minimum requirements for professional work. Mistakenly, some practitioners think that "meeting codes" is meeting the standard of practice. This is not true, for prescriptive standards are inherently lagging indicators of professional practice."

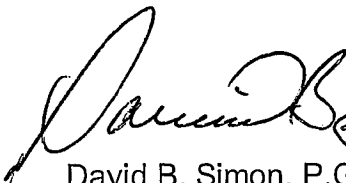
8. Slope stability: Although the primary purpose of our review was to assess the adequacy of the various reports in regards to addressing surface fault rupture hazard potential, we note that IGES (2006c) states that in regards to slope stability "Modeling of the slope should be completed and substantiated with laboratory testing and field explorations including borings." It is possible we might have missed a pertinent GSH report; however, we do not recall a GSH submittal indicating borings were drilled as part of the slope stability analysis and, as stated by IGES, these studies must be done.
9. Conclusions: From an engineering geologic perspective it is SBI's opinion that the reports reviewed do not adequately address surface fault rupture hazard potential at the site. In regards to fulfilling minimum prescriptive professional standards and in regards to public health, safety, and welfare, the previous studies fall seriously short. It is noteworthy that if additional studies are conducted, as warranted, it does not necessarily preclude development of the site.

Comments and conclusions in this letter are based on data presented in the referenced reports. SBI accordingly provides no warranty that the data in the referenced reports are correct or accurate. SBI has not performed an independent site evaluation. There is no other warranty, either express or implied.

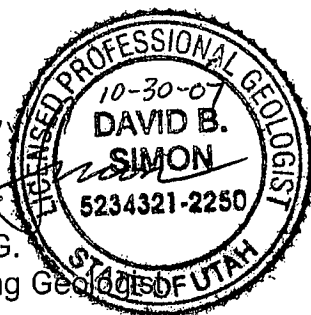
This report was written for the exclusive use of Mr. W. Robert Good and Mr. Thomas White, representing concerned residents of Cottonwood Heights and only for the proposed project described herein. SBI is not responsible for technical interpretations by others of the information described or documented in this report. The opportunity to be of service on this project is appreciated. If you have any questions, please feel free to contact the undersigned or Bill Bymaster, Principal. The opportunity to be of service on this project is appreciated.

Very truly yours,

SBI



David B. Simon, P.G.
Principal Engineering Geologist



Dist: 2/addressee
Encl: Shlemon (2006)

Simon • Bymaster Inc.

REFERENCES

AGRA, 1996, Fault rupture hazard evaluation and geotechnical investigation, proposed Prospector Place PUD, approximately 7700 South Wasatch Boulevard (AGRA job no. 6-817-00540), dated October 2, 1996.

AMEC, 2004a, Surface fault rupture hazard study, business office park approximately 7600 South Wasatch Boulevard, Salt Lake County, Utah (AMEC job no. 4-817-004776), dated June 23, 2004.

AMEC, 2004b, Supplemental discussions report, surface fault rupture hazard study, business office park approximately 7600 South Wasatch Boulevard, Salt Lake County, Utah (AMEC job no. 4-817-004776), dated November 23, 2004.

Christenson, G.E., Batatian, L.D., and Nelson, C.V., 2003, Guidelines for evaluating surface-fault-rupture hazards in Utah: Utah Geological Survey, Miscellaneous Publication 03-6, 14 p.

IGES, 2006a, Report review, geotechnical/geoseismic study, proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated March 8, 2006, 2 p.

IGES, 2006b, Report reviews for proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated May 9, 2006, 2 p.

IGES, 2006c, Report reviews for proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated July 6, 2006, 2 p.

IGES, 2006d, Memorandum to Cottonwood Heights City regarding Wasatch Office open house summary, dated November 2, 2006, 1 p.

IGES, 2007a, Report reviews for proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated February 15, 2007, 1 p.

IGES, 2007b, Report reviews for proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated May 15, 2007, 2 p.

IGES, 2007C, Report reviews for proposed Wasatch office complex, 7755 South Wasatch Boulevard, dated October 12, 2007, 5 p.

Gilson Engineering, 2006, Wasatch Office Complex geologic review, dated March 10, 2006, 1 p.

Gilson Engineering, 2006, Meeting to discuss the initial geologic review for Wasatch Office Park on 3-14-06, dated March 15, 2006, 2 p.

GSH, 2006a, Geotechnical/geoseismic studies, proposed Wasatch Office Complex, 7755 South Wasatch Boulevard, Cottonwood Heights, Utah 84121 (GSH Project No. 0205-001-05) dated February 17, 2006.

GSH, 2006b, Discussions geotechnical/geoseismic studies, proposed Wasatch Office Complex, 7755 South Wasatch Boulevard, Cottonwood Heights, Utah 84121 (GSH Project No. 0205-001-05) dated April 21, 2006.

GSH, 2006c, Supplemental fault study, proposed Wasatch Office Complex, 7755 South Wasatch Boulevard, Cottonwood Heights, Utah 84121 (GSH Project No. 0205-001-05) dated June 22, 2006.

Salt Lake County, 2002, Minimum standards for surface fault rupture hazard studies, Appendix A, Geologic hazards ordinance, Chapter 19.75 of the Salt Lake County zoning code of ordinances, adopted July 2002: Salt Lake County Planning and Development Services Division, 2001 South State Street, Suite N3700, Salt Lake City, Utah, 84190-4200, 9p.

Shlemon, R.J., 2006, The evolving professional stand-of-practice: Association of Environmental & Engineering Geologists, AEG News, Vol. 49, No.1, March 2006, pp. 15-16.

The "Perspectives" column is intended as a forum for expressing ideas or views regarding AEG and the practice of environmental and engineering geology. Articles printed in the "Perspectives" column do not necessarily reflect the opinions of AEG, its officers, or its members.

The Evolving Professional Standard-of-Practice

Roy J. Shlemon

As professional geologists, we all know that geologic processes are dynamic; forever changing at rates ranging from imperceptible to catastrophic. (I personally define uniformitarianism as catastrophism amortized over time.) Also dynamic is the so-called professional standard-of-practice, ever evolving, and in our field, usually driven by relatively slow diffusion of technical knowledge, by the consequence of rapid catastrophic events and, in our society, by the almost inevitable litigation.

What is the Standard of Practice?

The expression "standard-of-practice" and "standard-of-care" are often used interchangeably, and few geologic practitioners distinguish between the two. A typical legal, "standard-of-care" definition is:

The watchfulness, attention, caution and prudence that a reasonable person would exercise in similar circumstances. If a person's actions do not meet this standard of care, then his/her acts fail to meet the duty of care, which all people (supposedly) have toward others. Failure to meet the standard is negligence, and any damages resulting therefrom may be claimed in a lawsuit by the injured party. The problem is that the 'standard' is often a subjective issue upon which reasonable people can differ.

Ah, the last sentence is so true! As professionals we are ostensibly knowledgeable and reasonable in our collection, analysis and interpretation of geologic data. Our recommendations stem from working hypotheses, experience, and professional judgment tempered by a good dose of common sense. But this is the stuff that litigation is made from, for reasonable to one person is minimally "outlandish" or even negligent to another. We all believe that our work meets the standard of practice. Indeed, enforcement actions for licensing in many jurisdictions frequently allege that an "accused" licensee "failed to meet the standard of practice." But seldom is that standard formally defined, other than failure to meet minimum guidelines or codes. The professional standard is more stringent. It is ever evolving, usually (we hope) improving, and highly variable in time and place.

For discussion, I suggest a three-tiered hierarchy of standards: State-of-the-Art, Standard-of-Practice, and Prescriptive Standards.

State-of-the-Art

Typically new laboratory experimentation, development of rather exotic field technical measurement or collection, and highly theoretical concepts are generally subsumed under "state-of-the-art." Often this work is done, discussed and published by full-time academics or government agency personnel. Whether these ideas are sufficiently practical and cost effective for use by most applied geoscientists is inherently nebulous. Technical

improvements and economies-of-scale over time will render some ideas useful to the practicing geologist. But, by definition, state-of-the-art concepts and procedures are generally not widespread, and thus not yet standards of practice.

Standard of Practice

In accordance with general legal definition, the usual professional standard of practice, by necessity, varies over time and place. Implicitly the standard-of-practice practitioner is "reasonable" in his/her actions, judgments and recommendations. The term "reasonable," however, is subjective and invariably "probed" by counsel during litigation. Nevertheless, by virtue of our formal and informal training and our experience, we all develop techniques and procedures that are accepted by most of our peers as being standard of practice. But these standards change, and we may be challenged as being "out-of-date," especially if we do not keep abreast of new concepts, particularly the transfer of technology from geotechnical engineering and other related geoscience disciplines.

Prescriptive Standards

These are typically laws, codes and guidelines that establish the minimum requirements for professional work. Mistakenly, some practitioners think that "meeting codes" is meeting the standard of practice. This is not true, for prescriptive standards are inherently lagging indicators of professional practice. For example, UBC requirements are usually implemented years after technical committee recommendations and peer reviews identify "flaws" in previous practice. So-called "guidelines," often promulgated by local jurisdictions, similarly are lagging indicators. They frequently become consultant and reviewer "checklists" to assure minimal compliance, rather than measurement of performance that recognizes evolving changes in professional practice.

Laws requiring fault and other geotechnical investigations, though well meaning, are subject to interpretation; and this is why, alas, we have lawyers. Not uncommonly, many geoscience consultants devolve into technicians rather than professionals by unwittingly abdicating their common sense and professional judgment in favor of rigid legal prescription. What, for example, is so sacred about deeming a fault active if a few centimeters of near-surface displacement last took place in early Holocene time, whereas it is "not active" if meters of offset occurred 12,000 years ago? Do we recommend avoidance of habitable-structure construction across low-displacement, active faults to lessen risk to the public, or to reduce our personal risk in the face of potential litigation? Appropriate engineering mitigation might well resolve this "Holocene activity" problem. Once enacted, however, laws are extremely difficult to change. Prescriptive standards therefore have both philosophical and practical consequences, and are worthwhile to discuss in the field and at professional meetings, presumably to bring about needed change to our standards.

continued on page 16...

PERSPECTIVES

Though not formal laws or codes, so-called guidelines have an uncanny way of morphing into requirements. Although arguably guidelines may have little legal grounds for enforcement, their mere presence sets forth minimum standards, and discloses to the local-area practitioner that caution is advised!

What Changes the Standard of Practice?

Three general, and often overlapping, processes change the standard of practice. These are driven by what I informally term "diffusion," "catastrophic events," and "litigation."

Our standards mostly change by the relatively slow diffusion of new technical information presented in professional meetings, field trips, newsletters and journals. And, of course, moving to a new job typically

Our standards mostly change by the relatively slow diffusion of new technical information presented in professional meetings, field trips, newsletters and journals.

exposes the junior practitioner to fresh ideas and local standards. Just as journal reviewers call attention to "defects" in a manuscript, so too agency reviewers frequently

provide information about new techniques, hypotheses and recommendations made by others, thus similarly contributing to standard-of-practice diffusion.

More rapid change in the local and often regional standard of practice stems from "catastrophic" events. These are typically a high-magnitude earthquake, a low frequency, high-magnitude flood, massive slope failure, tsunami run-up, or other natural or anthropically abetted "natural hazards." The news media play up the stories, misinformation is often rampant, but the profession and the public, though transitorily, often become aware of geologic processes and perhaps even the relationship of hazard and risk. The professionals then carry out additional, usually more detailed and comprehensive, investigations to assess and mitigate such catastrophic but relatively rare events. The studies and recommendations frequently get extensive media coverage; agency spokespersons make television and press announcements; the public then expects solutions; and the standard practice thus inevitably changes. Over the years, catastrophic events cause upward "spikes" on evolving standards of practice.

Perhaps nothing in American society changes the professional standards more rapidly than costly litigation. Dam or levee failure, massive urban slope movements, and possible "active" faults at or near a nuclear facility, waste site or other large engineered structure inevitably bring forth agency hearings or formal legal proceedings where culpability is ultimately ascribed to individuals, to agencies, to private organizations or to "Acts of God." But benefits often accrue to the geoscientist, for the litigation may economically support extensive geologic and geotechnical investigations. In California, for example, costly hill slope failures in the 1960s throughout the Los Angeles Basin led to much litigation, following investigation, and eventually to minimal building-code standards. The late 70s and 80s saw rapid changes in professional standards based on new investigations and techniques employed to assess allegedly active faults at and near proposed and existing dams, nuclear facilities and liquefied natural gas terminals. Similarly, the spurt of residential development in semi-arid parts of southern California in the early 90s was accom-

panied by ground fissures, differential settlement and much structural damage. Litigation predictably ensued. Most investigations showed that damage stemmed from imported residential and recreational water, which elevated local water levels leading to hydroconsolidation and structural damage. Word traveled fast via the press and "what's new" presentations at professional meetings. Within a few months, the standard of practice changed. No longer were historical water levels adequate to assess hydroconsolidation (soil collapse) and liquefaction potential; rather, the consultants now essentially predict where water levels will likely be in the next several years based on impact of increasing urbanization.

We may be defendants, consultants or expert witnesses in such litigation; and our professional opinions will differ. But court decisions, based mainly on acceptance or rejections of our findings, will almost immediately accelerate change in local professional standards. This information typically then diffuses to our colleagues elsewhere as "lessons learned" via traditional meeting presentations and journal publications.

Future Standards of Practice

If we could foresee the future, most of us would be full-time, stock market players. Inevitable, however, is that professional standards of practice, whether slowly or rapidly, will change. What were perfectly acceptable practices 10 or 15 years ago may be largely inadequate today. And, inexorably, what we do today will not be standard in another 10 years! We will learn much from the next decade of major earthquakes, volcanic eruptions and slope failures. And hence our standards will evolve. Uncertainty is inherent in all our work; but, in the face of competition and in the interest of public health and safety, we are obliged to develop and incorporate new concepts leading to better standards. One prospect, however, is almost certain: Despite new prescriptive standards, professional meeting and journal diffusion, catastrophic events and litigation decisions, nothing takes the place of experience and sound professional judgment in shaping our ever-evolving standards of practice.

Formerly on the faculty of the University of California at Davis and the Louisiana State University at Baton Rouge, for the past 35 years Roy J. Shlemon has specialized in Quaternary geology, geomorphology and soil stratigraphy as applied to engineering-geologic practice. He also served as a Trustee and Director for the Geological Society of America Foundation and the AEG Foundation, respectively; and is an Honorary Member of the AEG and several other national and international geologic organizations.



QUALIFICATIONS SUMMARY

Mr. Simon has over 25 years of experience as an engineering and environmental geologist, is a Principal at Simon • Bymaster Inc. (SBI), and a former President of the Association of Engineering Geologists. Mr. Simon also serves as Consulting Geologist to the city of Draper, Utah, responsible for geologic consultation and implementation of the Draper City Geologic Hazards ordinance, which includes review of consultants' reports.

Representative experience includes geologic hazard and siting feasibility investigations, paleoseismic studies, active fault investigations, rockfall susceptibility evaluations, landslide and slope stability analyses, rippability evaluations, construction management, and grading control/observation.

Mr. Simon's project experience includes public, commercial and industrial developments, large mass grading/earthwork projects, highways, water resources, dams, reservoirs, pipelines, airports, landfills, bridges, and other civil work.

PROFESSIONAL LICENSES AND CERTIFICATIONS

- Licensed Professional Geologist - California, Idaho, Utah, and Wyoming
- Certified Engineering Geologist - California
- 40-Hour Hazardous Waste Operations and Emergency Response

PROFESSIONAL ORGANIZATIONS

- Association of Engineering Geologists (AEG)
- Geological Society of America (GSA)
- Utah Geological Association
- Dixie Geological Society

PROFESSIONAL SERVICE ACTIVITIES

2007

- *Invited Speaker* – Mining Department Seminar, University of Utah
- *Invited Speaker* – Society for Mining, Metallurgy and Exploration
- *Chairman* – Morgan County Geologic Peer Review Committee
- *Member* - Utah Geological Survey Board of Directors.
- *Member* - Utah Liquefaction Advisory Group for the Wasatch Front, Utah.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Continuing Education Liaison*, Utah – AEG Intermountain Section.
- *Member* – AEG National Executive Council Nominations Committee.
- *Member* - AEG National Awards Committee.
- *Fieldtrip Chairperson* – 2007 GSA Rocky Mountain Section Meeting.
- *Co-Chairperson*, Engineering Geology of the Rocky Mountain West - Effective Geologic Practice Symposium, 2007 GSA Rocky Mountain Section Meeting.

PROFESSIONAL SERVICE ACTIVITIES – continued

2006

- *Member* - Utah Geological Survey Board of Directors.
- *Member* - Utah Liquefaction Advisory Group for the Wasatch Front, Utah. *Committee*
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Continuing Education Liaison*, AEG Intermountain Section.
- *Member* - AEG National Executive Council Nominations Committee.
- *Member* - AEG National Awards Committee.
- *Invited Speaker* - University of Utah, Department of Civil and Environmental Engineering.
- *Keynote Speaker* - University of Utah annual meeting of Chi Epsilon, National Civil Engineering Scholastic Society.

2005

- *Member* - Utah Geological Survey Board of Directors
- *National Executive Council Member* - AEG.
- *Interim National Publications Director* - AEG.
- *National Past President* - AEG.
- *Member* - Utah Liquefaction Advisory Group for the Wasatch Front, Utah.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Guest Speaker* - AEG Southwest Section.
- *Continuing Education Liaison*, AEG Intermountain Section.

2004

- *National President* - AEG.
- *Member* - Utah Liquefaction Advisory Group for the Wasatch Front, Utah.
- *Panelist* - U.S.G.S. National Earthquake Hazards Reduction External Research Program.
- *Ex Officio Director* - Board of Directors, AEG Foundation.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Guest Speaker* - AEG Allegheny-Ohio Section.
- *Guest Speaker* - AEG Carolinas Section.
- *Guest Speaker* - AEG Great Basin Section.
- *Guest Speaker* - AEG New England Section.
- *Guest Speaker* - AEG Rocky Mountain Section.
- *Guest Speaker* - AEG Sacramento.
- *Guest Speaker* - AEG Southern California.
- *Guest Speaker* - AEG St. Louis Section.
- *Guest Speaker* - AEG Washington Section.
- *Guest Speaker* - AEG Detroit Chapter.
- *Guest Speaker* - AEG Baltimore-Washington-Harrisburg Section.
- *AEG National Representative* – American Geological Institute National Leadership Forum.
- *Continuing Education Liaison*, AEG Intermountain Section.

2003

- *National Vice President and President Elect* - AEG.
- *Ex Officio Director* - Board of Directors, AEG Foundation.
- *AEG National Representative* - GSA Associated and Allied Societies Meeting.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Member* - Utah Liquefaction Advisory Group for the Wasatch Front, Utah.

PROFESSIONAL SERVICE ACTIVITIES – continued

2002

- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Invited Speaker*, Dixie Geological Society.
- *National Treasurer* - AEG.
- *Continuing Education Liaison*, AEG Intermountain Section.
- *Distinguished Mentor*, Roy J. Shlemon Applied Mentor Program, 54th Annual Meeting of G.S.A. Rocky Mountain Section.

2001

- *Co-Chairman*, AEG/UGS/CECU - Geologic Hazards in Utah Conference
- *Invited Speaker*, University of Utah Geology Department - Ethics Course.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Continuing Education Liaison*, AEG Intermountain Section.

2000

- *Workshop Leader*, FEMA Project Impact 2000 Summit, Washington D.C.
- *Invited participant*, Earthquake Hazards Committee, Salt Lake City FEMA Project Impact.
- *Chairperson*, Natural Hazards Committee, Salt Lake City FEMA Project Impact.
- *Invited Speaker*, University of Utah Department of Geography, Geomorphology Course.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Continuing Education Liaison*, AEG Intermountain Section.
- *Invited Speaker*, BYU Department of Geology, Distinguished Lecturer Series.

1999

- *Board of Directors* - AEG Intermountain Section.
- *Co-Chairman*, AEG 42nd National Meeting.
- *Field Trip Leader*, AEG 42nd National Meeting.
- *Continuing Education Liaison*, AEG Intermountain Section.
- *Member* - Utah Geological Survey, State Mapping Advisory Committee.
- *Invited Speaker*, University of Utah Department of Civil Engineering
- *Invited Speaker*, University of Utah Geography Department.

1998

Board of Directors - AEG Intermountain Section.

1997

Board of Directors - AEG Intermountain Section.

1996

Chairperson, AEG Intermountain Section.

1995

Chairperson, AEG Intermountain Section.

1994

Program Chair, AEG Intermountain Section.

1993

Program Chair, AEG Intermountain Section.

PUBLICATIONS

The Challenges of Geologic Review for Two Small Municipalities along the Wasatch Front, Utah (with Dobbins and Rowser), 2007, AEG News, Program with Abstracts - 2007 Annual Meeting, September 2007, Volume 50, p.85. Presented at the Perspectives on Regulatory Review Symposium at the 50th Annual Meeting of the Association of Engineering Geologists, Los Angeles, California, September 2007.

Engineering Geology - Highlights in Solid Earth (with Allen Hatheway), 2004, Geotimes, vol. 49. no. 7, p. 26, American Geological Institute, July 2004.

Engineering Geologists Play a Crucial Role in Providing Geologic Information to the Public (with A.W. Hatheway and R.J. Proctor), Article For Students, 2003, Geotimes, vol. 48. no. 12, p. 12, American Geological Institute, December 2003.

Holocene Faulting Near Piute Dam, Piute County, Utah (with R.J. Shlemon and E.W. Fall); AEG News, Program with Abstracts - 2002 Annual Meeting, July 2002, Volume 45, p.85. Presented to an Engineering Geology Technical Session at the 45th Annual Meeting of the Association of Engineering Geologists, Reno, Nevada, September 2002.

Landslide Complexes in Eastern Utah County, Utah - Implications for Hillside Development, 2002, (with E.W. Fall); Geological Society of America, Rocky Mountain Section, Abstracts with Programs, v. 33, no. 4, April 2002. Presented to the Hillslope and Mountain Slope Hazards in the Rocky Mountains Symposium, 54th Annual Meeting of G.S.A. Rocky Mountain Section, Cedar City, Utah, 2002.

Episodic Deposition in Closed Depressions: Proxy Evidence of Holocene Paleoseismic Events, Provo Segment of The Wasatch Fault Zone, Utah, 2001, (with R.J. Shlemon); Geological Society of America, Cordilleran Section, Abstracts with Programs, v. 33, no. 7, p. A-95. Presented to the Engineering Geology Technical Section, 97th Annual Meeting of G.S.A. Cordilleran Section, Universal City, California, 2001.

The Holocene "Downtown Fault" in Salt Lake City, Utah, 1999 (with R.J. Shlemon); 42nd Annual Meeting of the Association of Engineering Geologists, Program with Abstracts Volume, 1999, Salt Lake City, Utah, p.85. Presented at the Earthquake Hazards in Extension Regimes Symposium, 42nd Annual Meeting of the Association of Engineering Geologists, Salt Lake City, Utah, September 1999.

Holocene Ground Failure in Downtown Salt Lake City, Utah, 1999 (with R.J. Shlemon and S.F. Bartlett); Geological Society of America, Cordilleran Section, Abstracts with Program, v. 31, no. 6, p. A-95. Presented to the Engineering Geology Technical Section, 95th Annual Meeting of G.S.A. Cordilleran Section, Berkeley, California, 1999.

PUBLICATIONS - continued

Rejuvenation of Ancient Earth Fissures at Jackpot, Nevada, 1998 (with R.J. Shlemon), in Borchers, J.W., (ed.), Land Subsidence Case Studies and Current Research, Proceedings of the Dr. Joseph F. Poland Symposium on Land Subsidence (Association of Engineering Geologists Special Publication No. 8), Star Publishing Company, Belmont, California, p. 155-164.

Rejuvenation of Ancient Ground Fissures at Jackpot, Nevada: Engineering Geologic Implications, 1995 (with R.J. Shlemon); Association of Engineering Geologists, 1995 Annual Meeting, Abstract Volume, Sacramento, California, p.87.

Stabilization of Landsliding-Friendly Valley, Canyon Country, Los Angeles County, California, in Abstracts, 82nd Annual Meeting Cordilleran Section, Geological Society of America, 1986 (with C.M. Scullin), vol. 18, no. 2, p. 182. Presented at the Landslide Mitigation Symposium, 85th Annual Meeting of G.S.A. Cordilleran Section, 1986, Los Angeles, California.

Hot Dry Rock Geothermal Site Evaluation, Western Snake River Plain, Idaho, in Transactions, Geothermal Resources Council Annual Meeting, September 1980, Salt Lake City, Utah (with B.H. Arney, J.H. Beyer, F.B. Tonani and R.B. Weiss).

REPRESENTATIVE PROJECT EXPERIENCE - FAULT INVESTIGATIONS

Principal Engineering Geologist for numerous fault investigations for residential subdivisions and commercial and municipal projects located along the active Wasatch fault zone in Salt Lake, Utah, and Davis Counties, Utah and for projects located in Nevada and California. Representative Utah projects include:

- Principal Engineering Geologist: Despain Property and Granite Oaks Subdivision: Principal Geologist for fault investigation of 150 acres adjacent to the east and west sides of Wasatch Boulevard, immediately north of the La Calle restaurant.
- Principal Engineering Geologist: Piute Dam, Junction, Utah. Engineering geologic investigation as part of an engineering study to address requirements of State of Utah, Department of Natural Resources, Division of Water and Dam Safety Program. Investigation included detailed geologic mapping of a 1.5 square mile area, evaluation of regional seismicity, paleoseismic study of potentially active faults, seismic design criteria, and geologic hazard evaluation.
- Principal Engineering Geologist: Fault investigation for a proposed 5 million gallon reservoir site located in Pleasant Grove, Utah.
- Principal Engineering Geologist: Salt Palace Convention Center, Salt Lake City, Utah. Principal engineering geologist during evaluation of active faulting at the site of the Salt Palace Convention Center Expansion Project, Salt Lake City, Utah.

REPRESENTATIVE PROJECT EXPERIENCE – continued

- Principal Engineering Geologist: Fault Investigation, Pepperwood Hills 300-acre residential subdivision, 11050 South Wasatch, Boulevard, Sandy, Utah.
- Principal Engineering Geologist: Fault Investigation, Alta Hills III - Subdivision, 8571 South Wasatch Boulevard, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Nickell Residential Property, 1945 East 4500 South Street, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Residential Property, 9612 South Glacier Lane, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Stangl Residence, Lot 19, Lost Canyon Estates Subdivision, 11127 South Eagle View Drive, Sandy, Utah.
- Principal Engineering Geologist: Evaluation of Location of Granger Fault, Aspen Village Apartments, 3043 West 3500 South Street, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Lot 16 of Cambria Pines No. 2 Subdivision, 5193 South Alvera Road, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Cottage Pines P.U.D., 8098 South 3500 East Street, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Arroyo Wells Subdivision, 5281 South Holladay Boulevard, Holladay, Utah.
- Principal Engineering Geologist: Fault Investigation, Les Liechty Plat "B", 2100 North 1459 East Street, Provo, Utah.
- Principal Engineering Geologist: Fault Investigation, 30-acre Redwood Industrial Centre, 1911 West Indiana Avenue, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Barnes Subdivision, Lots 108 and 109 Golden Hills No. 15 Subdivision, 9004 South and 9018 South Kings Hill Place, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Todd Riches' Smog Shop Addition, 836 South Redwood Road, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, Lot 1 - Stahl Glacier Lane Minor Subdivision, 9600 South Glacier Lane, Salt Lake City, Utah.
- Principal Engineering Geologist: Fault Investigation, 1.5 Acre Industrial Property, 4108 West 600 South Street, Salt Lake City, Utah.

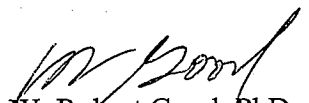
Date: October 30, 2007

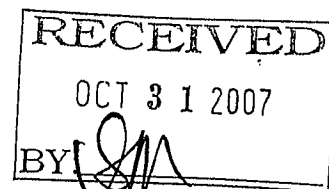
To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Citizen Comments and Questions Regarding:
Wasatch Office Complex Proposal heard at the
October 17, 2007 Planning Commission Meeting

Contained herein are a number of comments and questions regarding the planning staff submission to the Planning Commission and the discussion that took place on October 17, 2007. These comments and questions are a consolidation of those from concerned citizens and residents of the area surrounding the proposed building site and are submitted for a response from the Planning Commission by the undersigned representative.

31st
Respectfully submitted this 30th day of October, 2007 by:
Cottonwood Heights Concerned Citizens.


W. Robert Good, PhD
7730 S. Quicksilver Dr.



3:50 pm

The following paragraphs represent the concerned citizens' response to the Planning Director's Comments submitted to the Planning Commission on October 12, 2007 regarding specific issues presented in our submission of October 9, 2007 concerning the Wasatch Office Complex proposal. In addition, at the end of this memo, the citizens provide comments with respect to the letter submitted by Hutchings Baird Curtis & Astill, representing Blaine Walker, the applicant.

With regard to the first paragraph in this document where it is stated that staff received very few communications regarding the Wasatch Office project during the open public hearing which ended on Tuesday, October 9, 2007 at 5:00 pm, we vehemently disagree. There were many people who attended the Planning Commission meeting on October 3, many of whom made comments. In addition, the document submitted to Michael Black and the Planning Commission on the deadline of October 9, 2007 represents communication from many concerned citizens as indicated on the signature of the cover letter for this document.

The Planning Director states on page 1 that the memo is in response to Bob Goods comments in his letter dated 10/09/2007. The Planning Director refers constantly to Bob Good as the one stating and requesting. The fact is that the documents submitted represent the view and contributions of many concerned citizens who participated in the formation of the documents we submitted on October 9. The document was submitted by the Cottonwood Heights Concerned Citizens, just as it says on the cover page.

Item number one, Point 1:

The citizens do not believe that the intent of ordinance 19.72.040(A) was, nor is, intended only for residential buildings. If this were the case, then the proposed office buildings would not be required to obey the section that states that slope areas in excess of 30% may not be developed. Moreover, ordinance 10.72.040(A) is titled "**A. Development in General.**" This clearly states that this paragraph is not limited to residential buildings as defined by density and the intent was to apply to any development.

Revised Staff Report, Under Site Layout:

The staff report states that "Of that acreage, 65% is unusable due to excessive slopes or ultimately due to section 19.72.04(D) Maximum Impervious Surface, which states that the development shall not exceed a maximum impervious surface calculation of more than 35%." This statement omits an important clause that is in the ordinance.

In reality, the ordinance 19.72.040(D) reads: "The total maximum allowable coverage by impervious material within a project or portion of a project within the Sensitive Lands Overlay Zone shall not exceed 35% of the project area." As stated in our Citizen's document, Item 1, the calculation of total impervious material is incorrect, as it is calculated as 35% of the total property rather than, as the ordinance states, 35% of the total project area and our calculation is correct.

Item Number 4, Conditional Use Violations:

The Planning Director states that we offer no reasons for citing the specific paragraphs of Ordinance 19.84.080. In reality, the staff apparently did not read all of the stated Item 4. In Item 4, the reference to the Addendum attached to the submission states clearly "Refer to the Addendum for photographs of the proposed project site taken from nearby residences and facts that verify the non-compliance with this ordinance." Apparently, staff did not review the Addendum.

Item Number 5

Responses to the IGES comments regarding geology are contained in 2 separate documents submitted to the Planning Commission along with this response

Comments to the letter submitted by Hutchings Baird Curtis & Astill, representing Blaine Walker, the applicant.

Public clamor:

In paragraph 5 of the letter, the attorney refers to "public clamor" as not an adequate legal basis for the city's decision. The fact is that the concerned citizens have intensely reviewed all traffic, geologic and ordinance related documentation available and base their concerns on those issues, and public clamor has played no role in these issues.

Item 3:

The attorney quotes hours of construction to 7:00 a.m. to 8:00 p.m. The revised Staff Report proposes the hours of 7:00 a.m. to 6:00 p.m.

Item 5: Comments to hours of operations

No where in the plan is it stated what the hours of operation will be, nor does it state what days of the week the complex will be open. How will the tenants know if the parking lot is being used as a park and ride area for skiers and hikers? Will the owners issue parking permits for tenants and/or have a security guard checking to see that only those authorized (i.e. employees and patients/visitors) are parking therein.

Last Paragraph: While we appreciate...

Contrary to the attorney's statement in this paragraph, much expert testimony and evidence has been given and presented by the neighbors. Many of the public and neighbors are professionals in their own right. Comments made by neighbors are based on research and reviewing many ordinances, including proper interpretation of these

ordinances with respect to applicability and calculations. This is especially true with regard to evaluation of state, county, and city documents concerning geological hazards and their effect on public safety and well-being.

Comments regarding traffic patterns are made from intelligent individuals from actual experience of traffic patterns and who live in the area.

In contrast to the last sentence in this paragraph that the attorney purports, the public has not expressed themselves with emotion or hearsay, but rather we have conducted ourselves at all meetings in a very professional and courteous manner. We have expressed ourselves with precision, accuracy, and reference to ordinances, land studies and other documents. The citizens who oppose this development know the area and what risks, light pollution, noise pollution and visual impacts will be created by this proposed business development in a purely residential area.

The following comments and questions refer to specific issues and discussions which occurred at the October 17 Planning Commission meeting.

Density: PC members discussed density issue and miscalculations of building area. City's lawyer said that the ordinance did not apply to commercial and is only for residential – Density definition is in Title 19.

We want to know what ordinance applies to an office building in a hazardous land area!!! This is zoned R-M. It is residential multi family. No exceptions would be made with respect to the sensitive land ordinance. Bob Good's findings of their miscalculations do apply. Paragraph D in the ordinance 35% of project area is all that is allowed for impervious area. Paragraph A does apply. If it does not, then it would not apply for the 30% slope limits, which would be over ridden by state ordinances. It is a miscue in paragraph A which supposedly limits the ruling to residential structures according to the city lawyer's interpretation of the definition of the density. It is clearly not the intent of the ordinance, but rather should apply to any human occupancy structure. All building in Cottonwood Heights, built on sensitive lands, whether office or multi family or single family would be required to follow the same ordinances of sensitive lands!

Height issue. Mike Black said that the height of the buildings would be no more than 30 feet. He has informed the developer to reduce height from 35' to comply with the ordinance. *Note: The height violation was pointed out by citizens via Bob Good. Otherwise, the City would have overlooked it. We need you to also look at these plans and approvals with scrutiny in order to question and to insure the safety and welfare of the citizens are foremost in consideration.*

We are pleased the height was corrected. However, why did we have to point this out? We question the diligence in the reviews of the developer's plan and the requirements of the ordinances.

Depth of footing.: PC questioned if set back for building one was appropriate. Staff said yes. It was reported that they will request the developer to do pre development or pre construction assessment.

What does this mean? Who will assure this is done?

Insurance: Mike Black expressed need for construction to be insured and bonded. Developer will be required to hold errors and omissions insurance and name the City on it also, for 5 million dollars.

We want to see the documents on this when it is in place. *Further, bonding needs to continue after the building is completed.* Some of the upper parts of the slopes are part of the properties above; however, if the toe is cut into and compromised, it falls under the responsibility of the developer and City. There have been no problems with slope slippage or problems above this property to date with the exception of an unlicensed builder not following requirements set forth by the City. Such building is on Prospector Circle.

Slope Stability and cutting into slope. City Engineer reported there would be only a few small cuts into the slope and did not feel it would be a problem. He emphasized if the developer follows the plan, it should be no problem. He said a geographical slope analysis was done.

If there are any cuts whatsoever, the ordinances and requirements are to be followed. It is like a hole in a dyke. Even the smallest cut causes vulnerability all along the slope. We will follow up on this separately.

Other PC comments

Property attractiveness:: Mr. Armstrong, PC member, commented that the property right now is not attractive. He feels the buildings will be a better view for residents.

We adamantly disagree. We look at the mountains which are shrub and scrub oak and it is natural and beautiful. This land is open space and has the natural beauty for which we purchased in the first place. It is home to deer, skunks, quail and other small creatures. We do not want to look down on ugly pavement marked with parking spaces. We do not want to look down at the roofs of large buildings. We would be open to a nicely planned residential area of 8 homes as approved by the County PC several years ago. Nicely groomed and kept. There would be no large area of pavement, or an office complex atmosphere.

Another suggestion: The builder could donate this to the city of Cottonwood Heights to make a park which is natural and would blend with the natural beauty of this property.

Sue Ryser, a PC member, expressed concern about safety on Wasatch. She feels it is not just at the complex entrance, but all along Wasatch Blvd.

She was told that this is a UDOT issue. She responded, **Safety and hazard issue is in our authority.** More discussion took place about signs and speed limit. Mike Black is to communicate with UDOT about lowering speed limit and posting signs including flashing yellow lights above Bengal to slow people down.

This will not work!!!!

UDOT had no choice but to grant access. They cannot put in any public document that it is not safe or they would be open to a lawsuit when an accident happens. Sue was correct in saying that it is within the power of the Commission to deem it unsafe! If it were residential, access would be off of Prospector. In the past, it was all worked out for this access when this was to be residential. It was safer and would not impact on traffic safety as much and there was no access off of Wasatch Blvd.

There will be three major intersections within a half mile on one of the busiest roads in the County. Counting Wasatch and 7000 South, there will be four in a mile. There is only one way to the ski slopes. There is so much residential building and increase in the numbers using Wasatch already. Bringing people to an office complex would add appreciably to the danger and congestion we already experience day to day. In addition, traffic through local neighborhoods will increase as people try to avoid the dangerous ingress/egress to and from Wasatch Blvd., only making local streets even more dangerous for children and adult residents of this exclusively residential area.

Tom Bowen said that the public feels they have not been given enough time. Therefore, he moved to continue the decision until Nov 14, 2007. He also said he does not feel that there will be anything new.

We do not believe that the Planning Commission responded to the citizens at the first meeting in an appropriate fashion. There was a pervasive feeling that it was useless to make comments at the meeting and during the extended time. The initial comment from the Commission was that this was a done deal. The citizens do not know the process. We look to members of the Planning Commission to take this into consideration and to explain things. We look to the Commission to be an advocate for what is best for the neighborhoods and listen to the residents of these neighborhoods.

Public meetings:

At the informational meeting held by the City in January, 2007, we could not make public comment. We were there to have the city show us the proposed plan. It was as though it was a done deal. We called a meeting on our own to be able to speak out and express concerns. About 150 persons attended. *Development staff did not attend, which was very disappointing to us. How can they work with the citizens if they do not listen to what we have to say?* We were told that it was *not* a done deal and UDOT, Randy Park said that no application for access off of Wasatch had been made to date.

Final Office Complex Plans:

~~These plans~~ were not accessible to us until two weeks prior to the Planning Commission Meeting. Mike Black would not release them any earlier as he felt they were proprietary and he needed permission from the developer. This was not enough time to get expert opinions. Things are being pushed very quickly all of a sudden. We waited for months for the developer to apply to UDOT and get his final plan to the City. He may say he has been working on this for two years, however, he has not as we have been diligently communicating with UDOT and others in the City trying to keep on top of the development.

Developer:

We feel that the developer is making it difficult for us to really know what he is doing. We have to go to the City to view documents because he deems them proprietary. We have never been denied any documents in the past by the County. Why is he not working with us in the spirit of making sure any building on this property is safe and fits into a residential setting?

We feel his plans are vague with respect to depth. We have been given verbal information, but it is not on the plan. The approval of setbacks are incorrect and do not comply with the 2006 GSH study report. These issues will be addressed separately.

The Commission needs to be very specific in having the developers follow all ordinances. We have requested a number of things be put on the building permit so that they are followed. It is within the responsibility of the Planning Commission to specify that all conditions along with lighting and building times be on the building permit. Additionally, we hope that you also consider the other conditions we have requested. If they are not, there is no way to assure these conditions when the buildings are sold. We are feeling that

the minimal requirements have been followed to date by the developer. We need reassurance as residents that the highest standards will be followed.

Further, we need assurance that the Quasi will be removed from the conditional use. Just specifying that this will be for office complex only is not enough. We need to prevent future requests for variances and requests that this be used for anything else.

It is a fact that there are multiple offices within a mile of this proposed complex. It is also fact that these buildings have multiple empty offices. We are concerned that this will happen here. We feel it is our business as there may be neglect of the facilities upkeep on the part of the land lord due to insufficient income. Also, there may be a request for other uses due to lack of renters.

Fault Line: We have pointed out in the past that there is a requirement to inform people who purchase land or homes to be informed of the fault area. We have been told that the occupants and visitors of this building will be informed. However, we have not been informed *how* this will happen. Nor have we heard the Commission ask this: Will there be a sign for all who come to the offices?

Building these high density structures on a property with massive fault lines is a danger. Building high density offices on a major highway within yards of other major intersections is also a danger. It impacts the health, safety and welfare of the citizens and should be denied.

As we have pointed out in numerous documents, this complex goes against compatibility with the neighborhoods. It is unsuitable for the development of an office complex in this peaceful residential area.

ADDITIONAL COMMENTS AND RECOMMENDED REQUIREMENTS

Location of dumpster and covering and securing of same.

Dumpsters are to be enclosed in a shed like or corral like structure which opens on the top for removal and one side as needed to remove such. They are to have a covering over this structure. This is in keeping with them being out of sight. The purpose is to keep them out of view of our pristine surroundings and to also protect against rat infestations.

Rat infestations are a big concern in Salt Lake County including Holladay and Cottonwood Heights. Rats only come to an area in which there is garbage access. They are drawn to all kinds of garbage. Checking for rats would be done on a regular basis. The areas of dumpsters are to be kept out of sight from the homes above and the street. The residents keep their garbage receptacles in garages or in enclosed areas out of sight. We expect this complex will be doing the same.

We are also doing our part to keep rats out of our neighborhood. All types. We expect this complex will be doing the same.

Lights:

Lights are to be out no later than 8 PM according to Mike Black. We need to be reassured that these are both the office **and** the parking lot lights. The summer would obviously require them out earlier as it is daylight until 9 PM. Only in the fall and winter do the lights need to be on until 8 PM. This needs to be made more specific and be in place if the buildings are sold to anyone over the years.

Light posts: We request that the light posts along Wasatch as required, and the parking lot lights not be excessive and both be **compatible** with the neighborhood and be no higher than 12 foot in height with the same wattage.

Glare:

Mike brought up the issue of glare as it is a concern.

Having the lights timed according to daylight savings time will help with some of this glare. For example in the winter they would only go on at dusk and dawn and in the summer, need not be on at all!

Parking lot is still an issue and is incompatible with the area. – We have requested that the parking lot be a brown or green in keeping with the residential and natural areas. The lines would also be a muted color so that white lines are not as stark when in our view and when cars are not parked there – esp. during weekend, holiday and off hours which is the peak time many of us enjoy our decks and the “pristine views.”

Glare and reflections off cars: We do not know how the glare or reflection from the sun off the cars can be lessened. This will be a problem from sun up to sunset. The way the land is situated and the very large size of the parking lot opens this up to being **incompatible with the area.**

Glare and reflection of the sun on the large windows of the offices is another big concern. It is a problem with some homes' windows reflecting and this is bad enough, but not to the degree with which a complex this size will impact the neighborhood and also cars driving.

Bus Stop:

This is a definite danger on this busy road. There are already designated stops along this area on the West side. If there is a lane to turn right into the building and lanes to turn left into the building, the bus stopping any where close to where the traffic will be tied up would be a hazard. We do not necessarily agree that there be a bus stop on the east side along this dangerous stretch in light of the three dangerous intersections so close to one another and the volume of cars during rush hour and ski season. Also in light of the speed with which we have to work with in this area.

Also, this will be a perfect excuse for skiers to park in this complex and ride the bus to the canyons. Thus a definite need for securing the parking lot and not allowing access in or out all day – every day unless one has a pass. Skiers can use the lot on week days and get back in time to exit before office hours are over. This would not only impact cars in and out and added traffic and noise as well as impact the businesses of the complex if precious spaces were being used for this purpose.

If the Commission approves this aspect of the plan and they want to take the risks of having a bus stop on the East side of Wasatch, **there needs to be a dedicated lane for safety all along the property line as well as adding to the scant right turn lanes to Honey wood Cove and also to Prospector Drives access.** The bus stop itself needs to be much further down Wasatch Blvd and not close to either Prospector or Bengal in order to maintain safe flow of traffic in and out of the complex as well as along Wasatch Blvd.

We further request signs be used at the entrance of Prospector that it is not a thoroughfare. It is not to be used as a short cut when the traffic is backed up. We have already had buses and other cars cutting and speeding though the neighborhoods when Wasatch or 7000 South is backed up. **Speed Bumps:** We would like speed bumps put into place from the corner of the intersection off of Prospector up through Top of the World Drive. We already have issues with the speed of drivers and increased traffic through this area. We have requested these from the County in the past; now find it is the City we need to get to have it done. . We also feel that the residents will be increasing the use of these residential roads to avoid the already heavy traffic and congestions. We fear for ours and our children's safety.

Retail store / shops / pharmacies, etc.

Stipulation is necessary as we have requested before. It would state there would be none of the above or any retail businesses which have direct merchandise for sale or distribution for the life of the property and developments.

Restaurants, Deli's, or other food service and serving facilities and establishments:

No restaurants delis etc on or in the complex needs designated for life of property development as part of the no-retail condition.

Storage of long term parking of vehicles or storage of other vehicles.

It needs stipulated that the property to not be used for outside storage of boats, vehicles, RVs, or other personal equipment. Also that the property to not be used for display of vehicles of other property for sale.

We are counting on the Planning Commission to stipulate all of our past requests as well as the above ones. If not stipulated, we have no recourse, nor does the City now and in the future. Staff is not the only eyes and ears for this project and work within their areas. You, The planning commission is there for the community.

You are the advocates for Cottonwood Heights. You are the residents here also.

19.90.060 Conditions to zoning map amendment.

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

One last comment. We supported incorporation so we could have better local control. The County slid this rezone in under the wire. Now it is up to you, the Planning Commission, to not allow overdevelopment and maintain the rights of the citizens.

Michael Black

From: Gordon And Betty Bourne [gbbour@elitelink.net]
Sent: Wednesday, October 31, 2007 2:12 PM
To: Michael Black
Subject: Proposed building complex at Wasatch Blvd and Prospector Drive

Major consequences of building the proposed 3 buildings on Wasatch Blvd. and Prospector Drive would be increased traffic congestion, lights, noise and the incompatibility of the residential area and a fault line.

We therefore strongly urge that the PC reject the building of the proposed building complex.

Gordon and Betty Bourne
3569 Avondale Drive
Cottonwood Heights, UT 84121

Michael Black

From: cikimmie@comcast.net
Sent: Wednesday, October 31, 2007 1:31 PM
To: Michael Black
Subject: Wasatch Property Complex

I am writing in regards to this project that is going to be built in my backyard. I don't appreciate you people even considering putting 42,000 square feet of office complexes in my residential yard. How dare you risk the safety of my children bringing in at least 1,000 people a week into my neighborhood. Not to mention the amount of construction workers that will swarm my backyard. The amount of property taxes that we pay to live in an upscale neighborhood that we do, with a beautiful view and you people want to ruin it by putting an eyesore at the bottom of our hill. Guaranteed if it was your neighborhood this project would not be happening. It would be nice if you would stick up for the citizens that government is supposed to do, instead of helping out your buddies and going after the almighty dollar.

NOTE: The amount of people a week that will be coming and going out of these complexes, is 25ft. away from my backyard. That is where my grave concern is of the safety of my children and that I will hold you people responsible for.

Kim Stojack

Michael Black

From: Bonnie Thomas [bthomas@sunrise-eng.com]
Sent: Wednesday, October 31, 2007 8:30 AM
To: Michael Black; Kelvyn Cullimore
Cc: Liane Stillman; Bruce Jones; rmgoodtt@msn.com
Subject: Proposed Wasatch Office Complex

Let's get past the known such as: this Office Complex will greatly hinder traffic mobility, it will look way out of place in our beautiful city (especially along Wasatch Blvd. where so many out of State visitors travel), most hazardous to bikers and disturbing to animals...**and invest in our people** rather than another developer's commercialism! Invest in **our** quality of family life and safety!!!!

We hope it isn't too late to turn this monster away from Cottonwood Heights!!

Sincerely

Joe and Bonnie Thomas
3570 E. Summer Hill Drive



BONNIE THOMAS
ADMINISTRATIVE ASSISTANT

bthomas@sunrise-eng.com
12227 S. BUSINESS PARK DR., SUITE 220 • DRAPER, UTAH 84020
TEL 801.523.0100 • FAX 801.523.0990

11/28/2007

Michael Black

From: Pamela Palmer [pampalmer11@yahoo.com]
Sent: Tuesday, October 30, 2007 9:49 AM
To: Michael Black; Liane Stillman; Kelvyn Cullimore; Bruce Jones
Subject: Wasatch Blvd. Office Complex Proposal

Dear Mr. Black, Ms. Stillman, Mr. Cullimore, and Mr. Jones:

I have the following concerns and issues to be answered at the Nov. 14th meeting, prior to granting a conditional use permit for the Wasatch Blvd. Office Complex:

- 1) A requirement should be added that all road safety improvements on Wasatch Blvd.--road widening to accommodate the center turn lane and exit lanes--be completed before the office complexes are open for business. This is an absolute necessity!
- 2) For safety, including traffic flow and elimination of gridlock, the road widening and center turn lane should extend all the way from Ft. Union Blvd. to Bengal/Honeywood Cove Drive intersection. Also, the point of lane merger south of the Bengal intersection should be extended.
- 3) UDOT should provide a budget and complete timeframe for completion of all road safety improvements, including road widening, center lane and turn lanes.

It is my greatest concern that the office complexes will be built as scheduled, however, road safety improvements will never be completed or completed to less than agreed upon standards.

Sincerely,
Pamela Palmer
7986 Top of the World Dr.

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Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

Michael Black

From: ROBERT GOOD, REBECCA GOOD [rmgoodtt@msn.com]
Sent: Wednesday, October 31, 2007 6:08 PM
To: Michael Black; Kelvyn Cullimore; Kelvyn Cullimore (Dynatronics); Liane Stillman; Dan Barman; rmgoodtt@msn.com
Subject: please forward to the Planning COmmission.

Mike,

Please note additional requests and comments **to be sent to the Planning Commission.**
 These are emailed prior to midnight October 31, 2007.

With respect to heavy equipment. While it was brought to the attention at the public meetings with respect to the heavy equipment which will be used on this site to develop this large of complex, we have requested no tall cranes be used. There is still an added concern for the vibrations damaging property above the area. With the building of the house on Prospector Circle, large trucks driving up and down Prospector caused a crack to form in our kitchen ceiling (Bob and Becky Good). The early morning vibrations and noises woke many of us up out of a deep sleep.

The damage to the road and curbing and driveways on Prospector is a good example of how heavy and vibrating these trucks alone can cause. Prospector was not without extra damage either. This was just from vibrations and weights from these vehicles are and how multiple vehicles working on this large of area can cause reverberations and damage.

Buildings according to Earthquake or seismic 3 regulations. This is a seismic 3 area which requires by the state added building requirements. It requires special rebars, thicker walls and flexibility in the roof to name a few. In the plans, we see no where that any of this and the full requirements has been addressed.

Daily inspection by geological engineer and other appropriate development persons: We strongly recommend that a geological engineer designated by the citizens make daily inspections on the building. We do not want another debacle like the house on Prospector Circle which was allowed to progress without much supervision on the part of City engineers.

Further, we request it be stipulated that trenching be done on each building's site before the construction on each building is allowed to begin. (This was the county's stipulation for each house when it was to have eight houses because of the twists and turns of the faults. They may locate it at one end of the property, but it needs to be located all along any building site in order to have proper distancing from the fault in that particular location.

Widening of Wasatch: Even though the widening of Wasatch is 5 to ten years down the road, if this large of complex is built, there will be no free land or space for widening. Thus, homes will be torn down, esp. the one on Bengal. The present plan will push the road right up against back yards on the West side right now. Any future widening will have to take out the majority of the back yards. This is what we were told by UDOT when the residential building was to take place. The County required the developer to work out with the State how much land would be needed and to sell the land to the County for future widening of Wasatch. That was when it was a two lane highway. They are projecting widening it several more lanes. The owners have made a large profit already on this land from the State. They can again.

Note, if any more come in, they will be forwarded to be added to the citizen's concerns.

Bob Good

Attachment:

15

Citizen comment packet C:
citizen comments from
December 5, 2007 to January
4, 2008

To: Michael Black
Planning Director

Michael:

Please distribute the attached document to the
Planning Commission prior to the January 9 meeting.

Thanks,

Bob Good

12/27/07

RECEIVED

DEC 28 2007

COTTONWOOD HEIGHTS
PLANNING DEPARTMENT

To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

From: Cottonwood Heights Concerned Citizens
Representative: W. Robert Good

Date: December 27, 2007

Subject: Comments to Wasatch Office Complex Proposal

Dear Planning Commission:

Attached herein are two serious concerns of residents living near and on Wasatch Blvd. near the proposed site of construction of a 3 building office complex. These concerns are primarily associated with the traffic issues and safety issues related to the proposed access onto the property from Wasatch Blvd. In addition, it is further noted that previous issues regarding appropriate fault set back distances for building 3 submitted as early as October 30 have not been addressed by the developer.

All necessary documentation for appropriate and thorough review of these issues are attached.

Respectfully submitted,



W. Robert Good, Concerned Citizen Representative
7730 S. Quicksilver Dr.
Phone: 943-8187
Email: rmgoodtt@msn.com

**Further Comments Regarding the
Latest Traffic and Geology Studies
Submitted with Respect to the Proposed
Wasatch Blvd. Office Complex**

Item 1: Traffic Issues

The latest traffic study was conducted along Wasatch Blvd. between Bengal Blvd. and Prospector Drive, effectively over the north/south line of the Wasatch Office Property. The study was conducted by Gilson Engineering between November 14 and November 20, 2007. With regard to traffic count and safety issues, the study is, at best, minimal. We are attaching a copy of the single page report to this document for the convenience of reference by Planning Commission members.

The average daily traffic count along Wasatch Blvd., both weekend and weekday, determined from this study seem to be approximately only 75% of that found in previous studies going back several years. According to the study done by Carter/Burgess, published in February, 2007 (a copy of which is also attached), in 2004 the average annual daily traffic count was 20,115 vehicles per day. Yet the current study shows an average of approximately 14,150 vehicles per day along Wasatch Blvd. This discrepancy could be due to the most recent study being conducted near the Thanksgiving holiday with little or no ski areas yet open for skiers. In any case, the determination of average vehicle speed along Wasatch Blvd. portends serious issues with regard to safety of motorists who would use the proposed ingress and egress to and from this property. As a matter of fact, this area of Wasatch Blvd. had been designated as a Category 3 S-U according to the Carter/Burgess report of 2007. It is important to note that, according to State Code, **no unsignalized access is permitted in this category of roadway.** Yet, the proposed ingress/egress for this property is unsignalized, as UDOT inappropriately approved a request for variance to a category S-5 which allows unsignalized access with limitations.

The serious issues associated with risk of ingress/egress are easily seen when one calculates the average daily number of vehicles **exceeding the 45 mph speed limit** from the most recent study. The percentage of vehicles exceeding the speed limit in this section of Wasatch Blvd. is **68%** of the total daily traffic count, or more than **9600** vehicles per day. Even more serious, the percentage of vehicles **exceeding 55 mph (more than 10 mph over the speed limit)** is **11%** of the total daily traffic count, or more than **1550** vehicles per day.

These numbers are based on the latest traffic counts done by Gilson Engineering. If one were to use the daily counts reported in the 2004 Carter/Burgess study, the number of speeders per day would be even far greater and the risks of ingress/egress would multiply even to a worse extent.

Fundamentally, the traffic patterns and excessive speeds in both directions along Wasatch Blvd. create a huge safety risk associated with entrance to and exit from the proposed office complex.

It is highly recommended that this office complex proposal be denied for use on this land due to the excessive danger associated with high speed traffic in both directions on Wasatch Blvd. which creates unacceptable safety issues not only with respect to vehicles entering or exiting the property, but also with respect to vehicles traveling in either direction on Wasatch Blvd.

Item 2: Fault Set Back Issues

We refer to the previous response submitted to the Planning Commission on October 30, 2007 regarding the planned set back from identified faults for building 3. This submission is attached hereto as Attachment 3. It was pointed out in this document that the survey plan for building 3 indicates that it does not meet the required set back limits from Fault 2a as defined in the GSH report of June 22, 2006. **To our knowledge, the plan for placement of building 3 has not changed since our last submission.**

The most recent trenching done by Western GeoLogic in November, 2007 indicates that the set back calculations reported in this most recent study are essentially the same if not greater than those reported in the GSH study of 2006, and, therefore, building 3 needs to be reduced in size or, preferably, eliminated altogether as the buildable space between the F2a and F3a fault lines is so very narrow as to make it impractical for a building of the proposed size.

Attachment 1

Gilson Engineering Traffic Report

1 Inch equals 150 Feet

Map: 28 November 2007
Aerial photo: 2003

Legend

- Counter Located @ 7700 S. Wasatch Boulevard
Traffic Study Dates: 11/14/2007 - 11/19/2007
- Counter Located @ 7828 S. Honeywood Cove Dr.
Traffic Study Dates: 11/16/07 - 11/20/07

Wasatch Office Property

- ## Roadway Classification
- Arterial Roadway
 - Major Collector
 - Minor Collector
 - Local Collector

BENGAL BOULEVARD

Traffic Study Dates: 11/25/07 - 11/27/07

VPH - VEHICLES PER HOUR

AM PEAK

PM PEAK

136 (9-10 AM)
421 (6-7 PM)

325 (9-10 AM)
177 (5-6 PM)

500 ADT
32 (9-10 AM)
53 (7-8 PM)

Legend

Location of
Traffic Counter

Honeywood Cove Dr. - 25 MPH Limit

Average Speed	
MPH	(Uphill)
0-15	5.8%
16-20	15.4%
21-25	50.5%
26-30	24.7%
30+	3.6%
85th % Speed	
Uphill	28 MPH

***This value shows the speed at which 85 percent of the vehicles are travelling at or below

Average Daily Traffic	
Date	ADT
Weekday	1,620
Weekend	1,384
Maximum	3,500

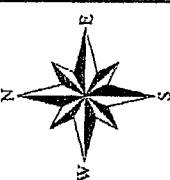
***This value shows the speed at which 85 percent of the vehicles are travelling at or below

Wasatch Boulevard - 45 MPH Limit

Average Speed	
MPH	Northbound Southbound
0-25	0.6%
26-35	1.2%
36-45	29.7%
46-55	56.9%
56-65	10.4%
66-75	0.9%
85th % Speed	
Northbound	55 MPH
Southbound	55 MPH

***This value shows the speed at which 85 percent of the vehicles are travelling at or below

Average Daily Traffic	
Date	ADT
Weekday	15,814
Weekend	12,482
Maximum	32,000



Wasatch Office
Traffic Study
November 2007



Attachment 2
Carter/Burgess Traffic Report
February, 2007

TRAFFIC IMPACT ANALYSIS UPDATE

For:

Wasatch Office Complex
7755 South Wasatch Boulevard
Cottonwood Heights, Utah

Prepared For:

Utah Property Development, Inc.
Attn: Bill Bang
6629 South 1300 East
Cottonwood Heights, Utah 84121

Prepared By:

Carter Burgess

155 North 400 West, Suite 550
Salt Lake City, UT 84121
801-355-1112
Project No. 230331.400.001
February 2007

RECEIVED

APR 02 2007

UDOT REGION TWO
PERMITS

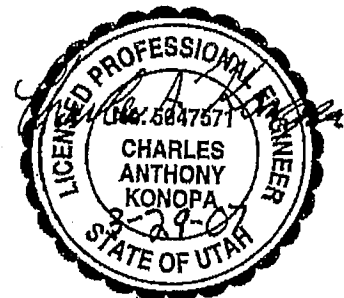


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INTRODUCTION

Original turning movement counts were collected on July 14, 2004 by Larsen & Malmquist, Inc. (LMI). LMI then completed a traffic report and assisted Utah Property Development, Inc. in obtaining an access permit from the Utah Department of Transportation (UDOT). Due to project delays, the access permit expired. In order to renew the access permit, winter turning movement counts at Wasatch Boulevard and Bengal Boulevard are needed along with additional information. The development has not changed. This report is an update to the existing traffic report done by LMI.

EXISTING CONDITIONS

The property for the proposed development consists of 5.12 acres and fronts the east side of Wasatch Boulevard for approximately 1,200 lineal feet. The site is slender in shape and is bordered by Wasatch Boulevard on the west and a steep hill to the east. Wasatch Boulevard has approximately 60 feet of paved roadway within 103 feet of right-of-way. The current roadway provides for two straight through lanes in each direction. Wasatch Boulevard widens as it nears the signalized intersections to provide for additional left and right turn lanes. The signalized intersections to the north and south of the proposed development are currently controlled by semi-actuated signals with maximum and minimum green times. See Appendix A for the turning movement counts and Appendix B for the phasing of these intersections.

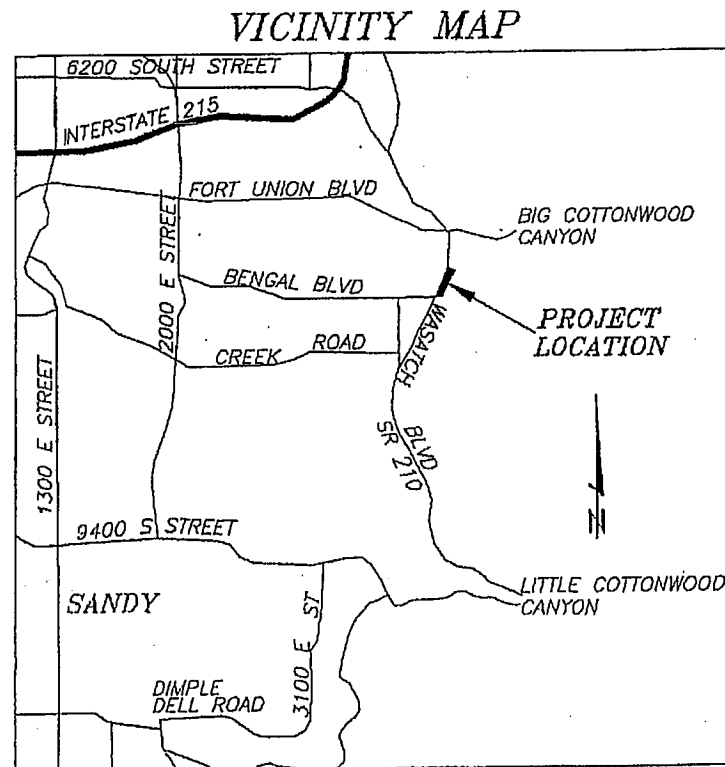
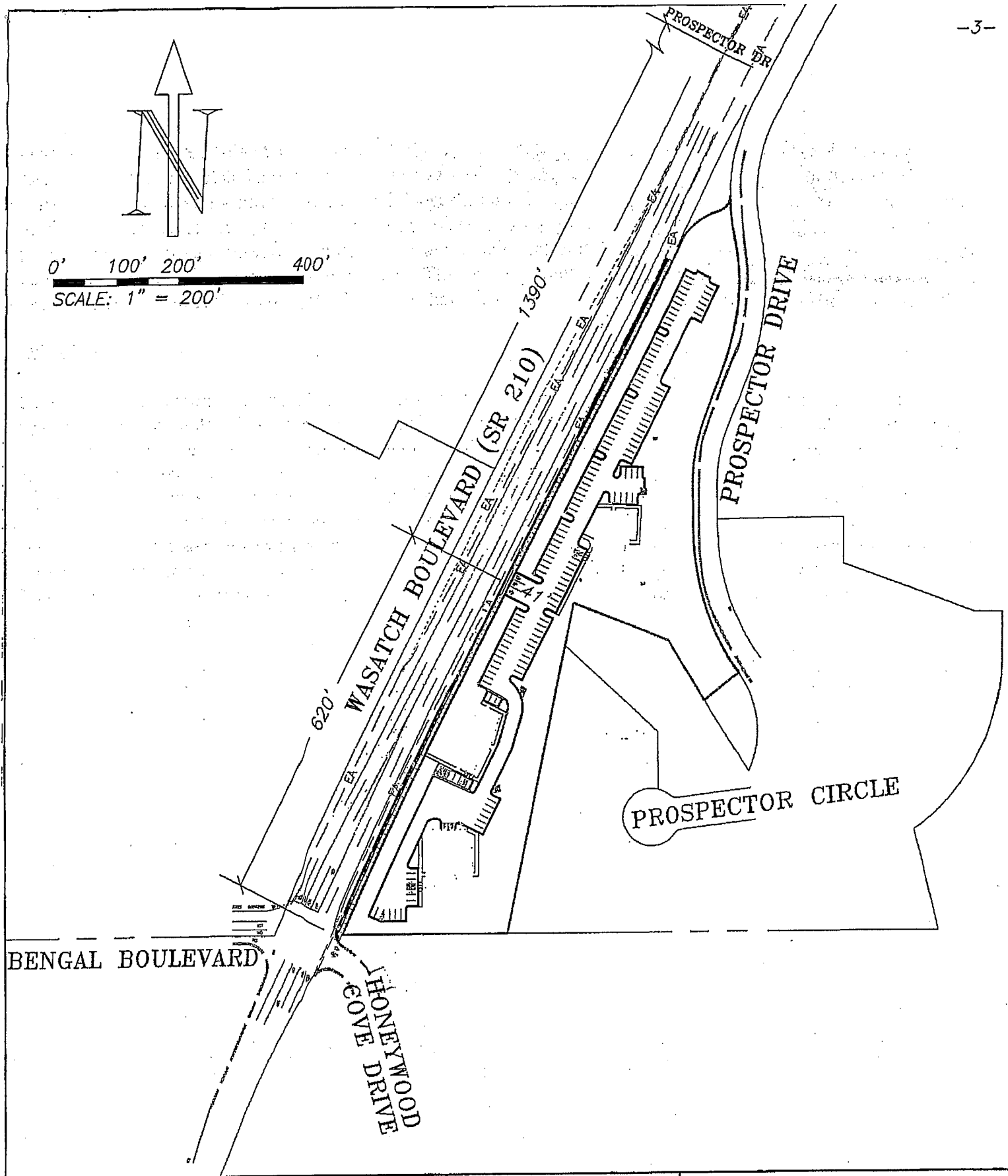


Figure 1



PROPOSED SITE PLAN
FIGURE 2

PROPOSED PROJECT

The proposed development consists of three office buildings totaling 42,000 square feet. One 41-foot access drive is being proposed along Wasatch Boulevard. The access has a 16-foot entrance lane and two 12-foot exit lanes; one for right turn out and one for left turn out. Additional asphalt paving and restriping will be required along Wasatch Boulevard to provide the necessary deceleration/acceleration lanes and the median turning lanes. The proposed site plan is included as Figure 2 of this report.

PROJECTED TRAFFIC

UDOT records show that Wasatch Boulevard at Bengal Boulevard had an average annual daily traffic (AADT) of 19,465 vehicles per day (VPD) in 2000 and an AADT of 20,115 VPD in 2004, an increase rate of 0.82% annually. Based on the annual increase of 0.82% the 2007 AADT is calculated to be 20,614 VPD and the projected traffic in 20 years for the year 2027 will be approximately 24,271 VPD. This annual increase was used to calculate the turning movement counts to 2027; the 20 year factor $(1+0.0082)^{20}=1.1774$. The turning movement counts were used to calculate the peak hour, amount of delay, and level of service of the intersections.

The turning movement counts from LMI collected in July 2004 were projected out to 2007 at the 0.82% rate (See Appendix A). Carter & Burgess collected turning movement counts in February 2007 after it was determined that winter counts were required in order to compare differences in traffic volumes. Following in this report the worst case peak hour scenario from winter or summer is used in analyzing each of the different intersection conditions.

The Institute of Transportation Engineers (ITE) *Trip Generation, 7th Edition* was used to calculate the traffic demand for this project. The trip generation data for General Office Building (ITE 710) with a gross floor area (GFA) of 42,000 ft² is summarized in Table 1.

TABLE 1. TRIP GENERATION SUMMARY

Use	GFA	Daily Trips	A.M. Peak	Enter	Exit	P.M. Peak	Enter	Exit
General Office	42,000 SF	684	94	83	11	126	21	105

The trips generated from the proposed site were distributed proportionately according to the existing turning movement counts from the winter data. For the p.m. peak hour on Wasatch Boulevard, 59% of the traffic flows south and 41% of the traffic flows north. Therefore, of the 105 cars exiting, 62 turn left and 43 turn right. Of the 21 cars entering, 12 heading south on Wasatch Boulevard turn left, and 9 heading north turn right.

For the a.m. peak hour on Wasatch Boulevard, 32% of the traffic flows south and 68% of the traffic flows north. Therefore, of the 11 cars exiting, 4 turn left and 7 turn right. Likewise, of the 83 cars entering, 27 heading south on Wasatch Boulevard turn left, and 56 turn right after heading north.

TRAFFIC ANALYSIS

The existing weekday a.m. and p.m. peak hour turn movement data was collected on February 22, 2007, at the intersection of Bengal Boulevard and Wasatch Boulevard. The turning movement data collected is shown in Appendix A. The accessibility analysis was performed using the Highway Capacity Analysis procedure for unsignalized intersections. The capacity analysis printouts are included in Appendix B. *A Policy on Geometric Design of Streets and Highways*, 2004, published by the American Association of State Highway and Transportation Officials (AASHTO), Exhibit 2-31, explains a level of service (LOS) A as being free flow. LOS B is reasonably free flow. LOS C is stable flow. LOS D is approaching unstable flow. LOS E is unstable flow. LOS F is forced or breakdown flow. LOS is based on seconds of delay per vehicle and is different for signalized and unsignalized intersections. Exhibit 2-32 explains appropriate levels of service for urban and suburban areas. LOS C is appropriate for arterial roads (Wasatch Boulevard) and LOS D is appropriate for local roads (business access).

TABLE 2. LEVEL OF SERVICE CRITERIA, SIGNALIZED INTERSECTIONS

Level-of-Service	Average Total Delay
A	≤ 10.0 seconds
B	> 10.0 and ≤ 20.0 seconds/vehicle
C	> 20.0 and ≤ 35.0 seconds/vehicle
D	> 35.0 and ≤ 55.0 seconds/vehicle
E	> 55.0 and ≤ 80.0 seconds/vehicle
F	> 80.0 seconds per vehicle

Bengal Boulevard Signal:

The winter a.m. turning movement counts were similar in volume to the summer counts, except that the winter peak a.m. southbound through movement increased 95% over the summer counts from 274 to 533 vehicles. The increase in southbound a.m. traffic in winter reduced the north/south split in traffic enough for the winter counts to have slightly longer delays.

The winter existing a.m. peak hour has an intersection LOS B. The proposed development will increase the intersection delay from 19.8 to 20.6 sec/veh, an LOS C. The projected traffic in 20 years will increase the intersection delay to 28.0 sec/veh with an LOS C.

The winter p.m. turning movement counts were similar in volume to the summer counts, except that the winter peak p.m. northbound through movement increased 71% over the summer counts from 486 to 829 vehicles. The increase in northbound p.m. traffic in winter also reduced the north/south split in traffic, but the summer p.m. peak hour produced slightly longer delays.

The summer existing p.m. peak hour has an intersection LOS B. The proposed development will increase the intersection delay from 17.6 to 19.1 sec/veh, both LOS B. The projected traffic in 20 years will increase the intersection delay to 22.5 sec/veh with an LOS C.

TABLE 3. LEVEL OF SERVICE CRITERIA, UNSIGNALIZED INTERSECTIONS

Level-of-Service	Delay
A	≤ 10 seconds
B	> 10 and ≤ 15 seconds/vehicle
C	> 15 and ≤ 25 seconds/vehicle
D	> 25 and ≤ 35 seconds/vehicle
E	> 35 and ≤ 50 seconds/vehicle
F	> 50 seconds per vehicle

Wasatch Boulevard Access:

The summer traffic counts have a more severe split than the winter counts. The split in the summer produces much less delays at the access when compared to the winter for both the a.m. peak and the p.m. peak. Therefore, the winter counts were used in all the analyses at the access.

In the morning the access onto Wasatch Boulevard has an intersection LOS B. The projected traffic in 20 years will increase the intersection delay from 14.5 to 18.4 sec/veh. The projected 2027 morning left exit traffic has a delay of 32.1 sec/veh, LOS D, but only 4 vehicles make this movement during the peak hour.

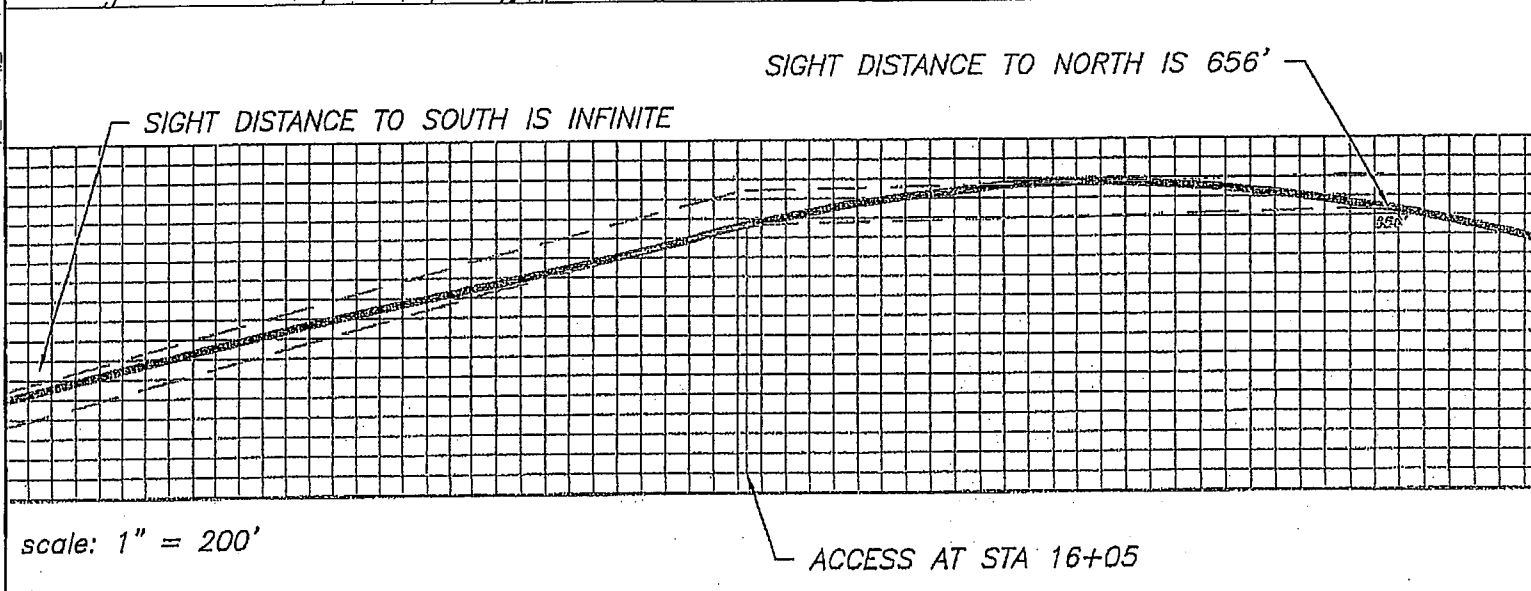
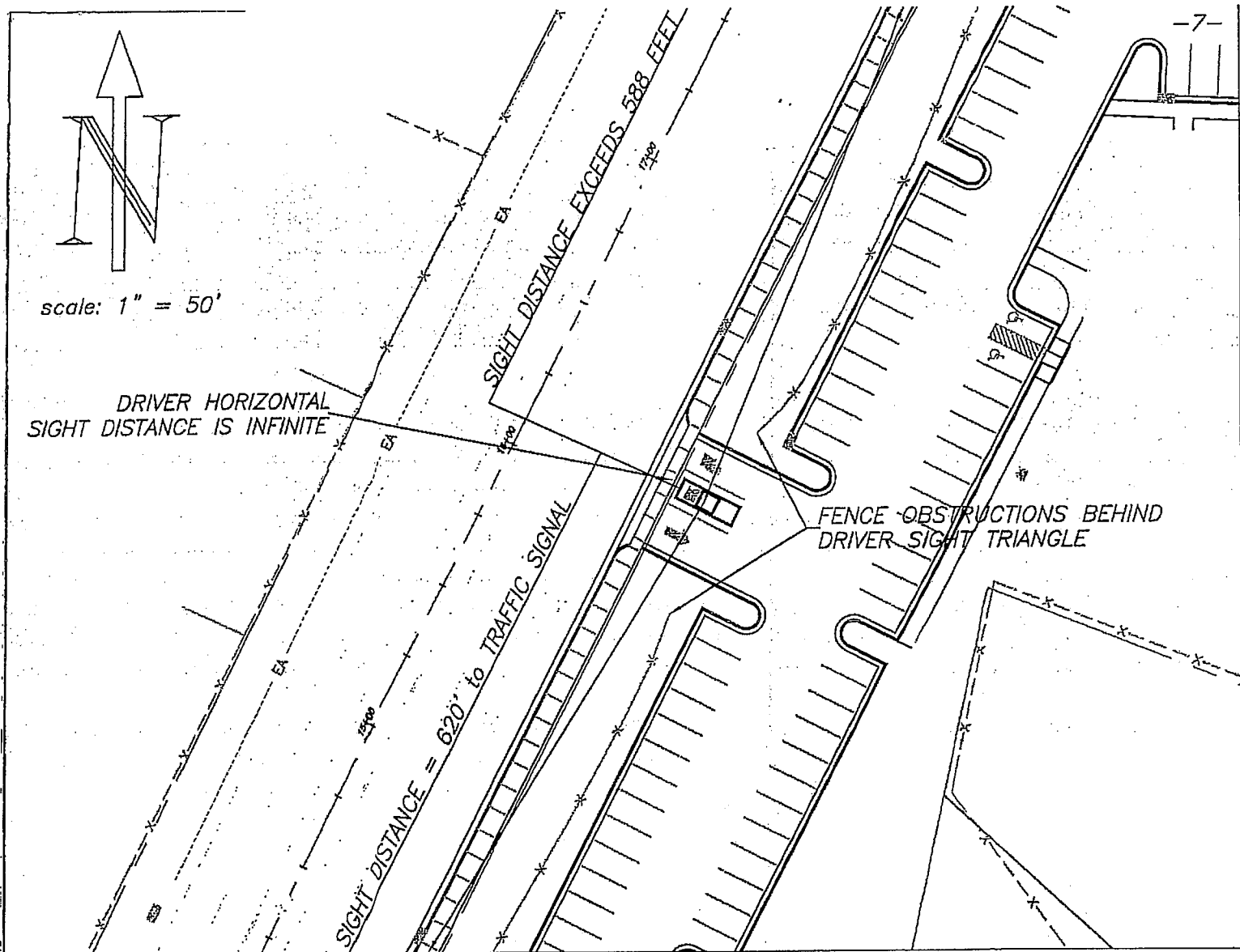
The afternoon peak produces an exiting LOS C. The projected traffic in 20 years will increase the intersection delay from 18.4 to 23.6 sec/veh. The projected 2027 afternoon left exit traffic has a delay of 32.8 sec/veh, LOS D. On average, one vehicle per minute will make this turn.

If a driver decides to avoid the left turn exit by turning right and right again onto Prospector Drive up the hill, around and down to the traffic signal at Bengal Boulevard, the driver would have added 1.1 miles and 2 minutes 50 seconds to the trip, and then be waiting at a signal to turn left or go straight. Since the average delay in 2027 to turn left is 33 seconds, it is unlikely that any drivers would travel though the Prospector Drive neighborhood.

Sight Distance:

The AASHTO green book establishes minimum guidelines for visibility requirements for crossing or turning traffic onto a highway. Using an operating speed of 50 mph, the minimum intersection sight distance needed to meet the AASHTO standards is 588 feet. The vertical profile along Wasatch Boulevard provides 656 feet of sight distance at the access. Horizontally, once a driver pulls up to the sidewalk, sight lines are in front of parking and landscape fencing, so distance is only limited vertically. See Figure 3 for sight distances shown graphically and Appendix C for the vertical sight distance record.

Also see Figure 4 in Appendix B for the conflict diagram. This access has 10 conflict points, which is typical for a T-intersection. There are currently 5 accesses. With the proposed access, there will be a total of 6 accesses within the mile on Wasatch Boulevard along the project. Exhibit 2-35 shows between 10 and 70 accesses per mile for signalized and unsignalized accesses in urban and suburban areas. Therefore, based on density of accesses, this road has less accidents than the average road.



**SIGHT DISTANCE
HORIZONTAL AND VERTICAL
FIGURE 3**

CONCLUSIONS AND RECOMMENDATIONS

The access is positioned to optimize the distance away from the traffic signal at Bengal Boulevard and to maximize sight distance at the access. The vertical and horizontal sight distances are acceptable to UDOT based on the AASHTO guidelines. A two-way-left-turn-lane (TWLTL) must be provided in order for the left turn movements to function at an acceptable level. This is essential for the left turn in and left turn out movement. Using a merging speed of 35 mph (10 mph lower than the speed limit) and an initial rolling speed of 2 mph, per AASHTO Exhibit 2-24, the acceleration distance is 300 feet minimum. Using an initial speed of 45 mph (5 mph lower than the speed limit) and a reached rolling speed of 2 mph, per AASHTO Exhibit 2-25, the deceleration distance is 300 feet minimum.

The original access permit was obtained through a variance. The access onto Wasatch Boulevard occurs in a category 3 S-U (System Priority Urban) segment. Category 3 does not allow unsignalized accesses. A category 5 R-PU (Regional Priority Urban) requires 350 feet minimum spacing between accesses. The access is 620 feet from the nearest street and farther from the nearest access. The access permit variance is to be analyzed as if in a category 5 segment. Wasatch Boulevard changes from a category 3 to a category 5 at the speed limit change, which is located 180 feet north of the access. It is not necessary, but recommended that this speed limit sign be moved south of the access, perhaps south of the Bengal traffic light.

The winter February 2007 and summer July 2004 counts produced similar intersection delays at the traffic signal. However, the winter counts produced significantly longer, but still acceptable levels of delay at the access for a.m. and p.m. peak hours. AASHTO Exhibit 2-32 explains appropriate levels of service for urban and suburban areas. LOS C is appropriate for arterial roads (Wasatch Boulevard) and LOS D is appropriate for local roads (business access). Through 2027, the traffic signal will be at LOS C, and all movements at the access will be at LOS D or better, which is acceptable to UDOT based on AASHTO guidelines.

Attachment 3
Comments to Building 3 Fault Set Backs
October 30, 2007

Date: October 30, 2007

To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Response to Comments of IGES

In several of his responses, Mr. Alba refers to both the AMEC trench study done in 2004 and the GSH trench study done in June, 2006.

We have noted that the "D=Expected fault displacement per event..." quoted as 9 feet used to calculate the setback by AMEC is "an acceptable displacement...". In actuality, the AMEC tables do not contain a single D factor of 9 for any of the identified faults. In any case, if a D value of 9 were used, the setback distance, as calculated according to equations provided by Christenson, et.al and the UGS, would be far greater than the 25 foot setback that he is accepting.

In his responses in which he cites the GSH trench study, which was done most recently in June, 2006, Mr. Alba indicates that the setbacks proposed in the civil drawings of the Wasatch Office Complex (24 foot setbacks) are adequate. Yet, the GSH report dated June 22, 2006 provides a table of correctly calculated setbacks based on the locations of identified faults determined through trenching done by Western GeoLogic, LLC. The GSH report also provides a map showing recommended setback zones for each building in Figure 3 of their report. Their conclusion is that buildings 1 and 2 are not impacted by fault locations or setback zones. However, they also state that the location of building 3 is impacted negatively by the recommended setback zones.

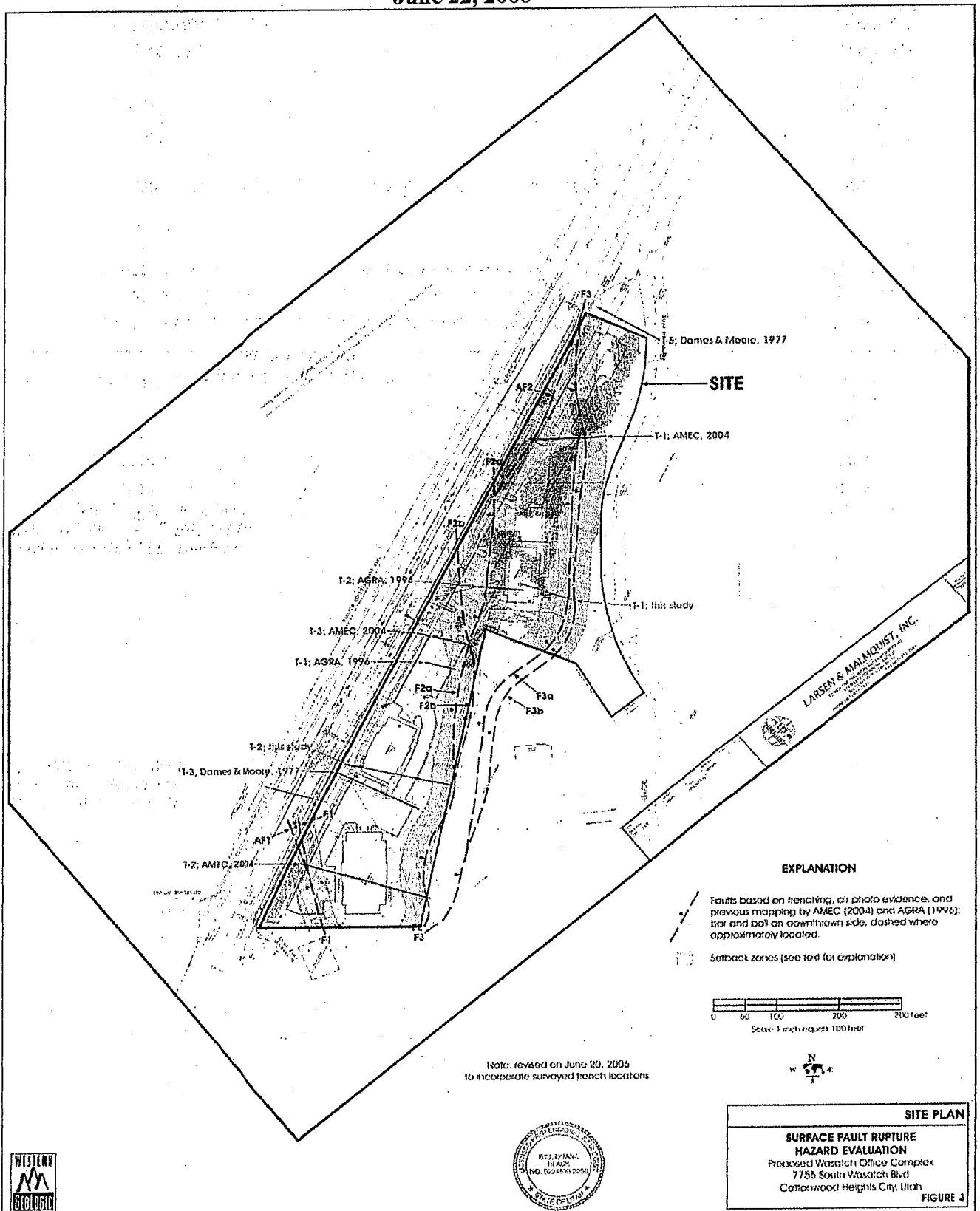
The study report specifically states, "The results of the recent trenching show that the active fault is, in fact, further to the east. Available data indicates that some adjustment either to the configuration or layout of northerly-most building will be required". In Figure 3 (which we have attached as provided in the report) and an expanded version of Figure 3 specifically showing the recommended setbacks and location of building 3, it is clear that this building does not meet the recommended setback from the fault identified as F2a. Moreover, the rear of building 3 is very close to the setback limit recommended from the eastern fault identified as F3a. It is very unlikely that simply moving the building further east will place it outside both the east and west setback limits.

It would appear that the only possible solution would be to substantially reduce the size of this building, or remove it altogether. The buildable zone between east and west setbacks is extremely narrow in this segment of the property (approximately 50 feet) and, according to the survey drawings, the width of the building proposed is 56.75 feet, wider than the buildable zone between the fault setbacks.

Respectfully submitted this 30th day of October, 2007 by:
Cottonwood Heights Concerned Citizens

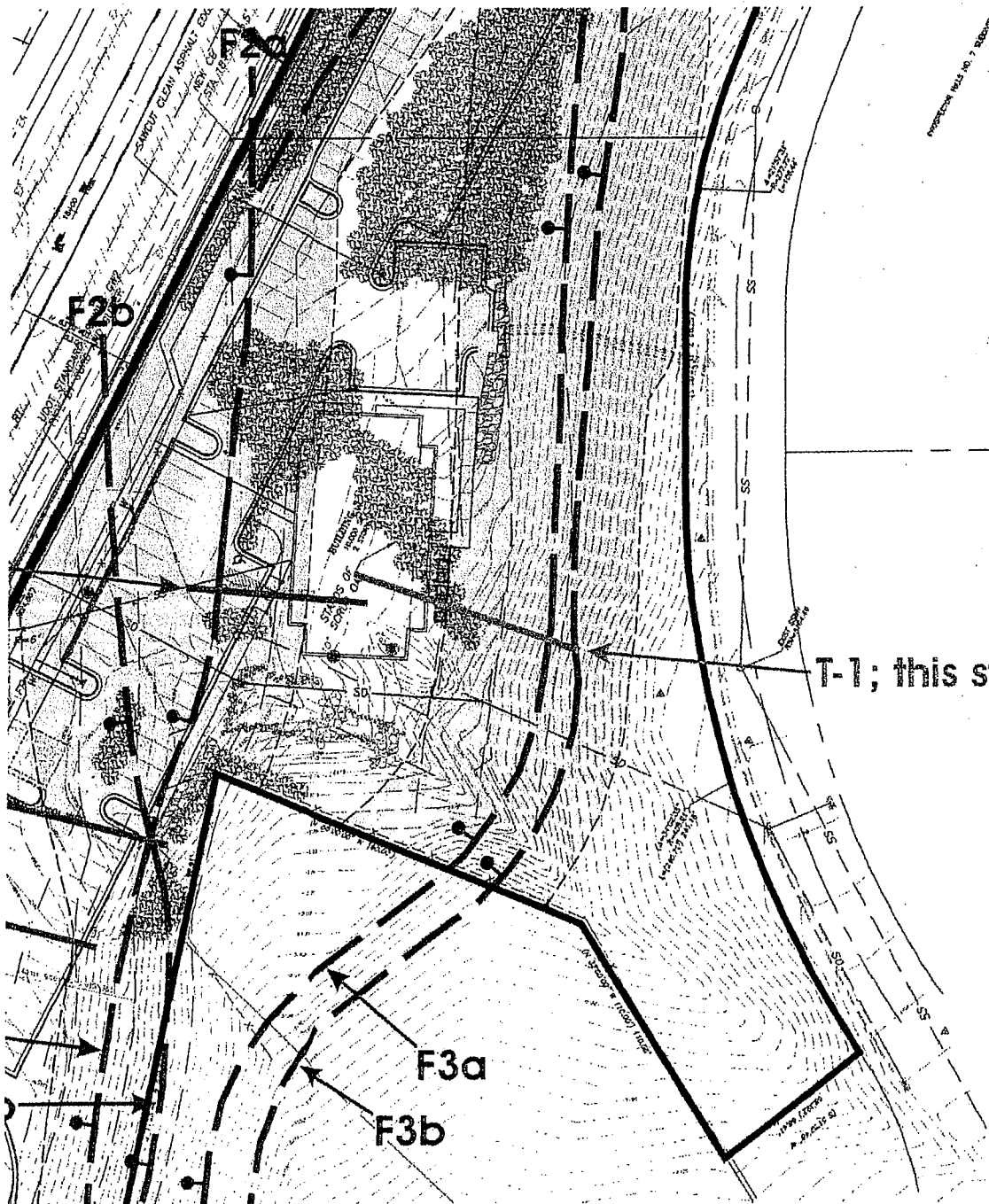
W. Robert Good, PhD
7730 S. Quicksilver Dr.

Figure 3 from GSH Supplemental Fault Study
June 22, 2006



Expanded diagram of Building 3 location relative to Fault Lines F2a and F3a according to GSH Supplemental Fault Study of June 20, 2006.

Expanded diagram taken from Figure 3 as referenced in the report.



Michael Black

From: sarah.heavin@psych.utah.edu
Sent: Sunday, December 30, 2007 9:27 PM
To: Michael Black
Cc: Kelvyn Cullimore
Subject: OPPOSE Wasatch Office Complex

Mayor Cullimore, Mr. Black, Ms. Stillman, and Representative Jones:

I am writing to express my extreme concern regarding the proposed Wasatch office complex. The combination of the increase in traffic and proximity to the fault line compromises the safety of children and adults in my neighborhood. The density of the building is concerning, particularly on an already crowded street in an unstable area. I implore you to listen to the constituents you represent, and vote against the development of the Wasatch Office Complex.

Furthermore, I wish to express my dissatisfaction with how home owners in this area have been represented in the process of this proposal. As someone who will see this development form her backyard, I was only notified of an "open house" to discuss the proposal. When I received a copy of the proposed plans, it was from a concerned neighbor, not from my representative. As a citizen of Cottonwood Heights who voted for this community to become a city, I expected more from my elected representatives. I would expect the city to share their plans more openly with the citizens their plans affect, as well as to be more open to community dialogue regarding this important issue. Having attended my first city council meeting last month, I was surprised and dismayed at the way community members were treated by the city council, being unwilling to explain process or answer questions from their own constituents. Based on this experience, I can only assume that my elected representatives care more about the interests of builders than the citizens he represents. I ask that you choose to vote against the Wasatch Office Complex therefore representing the individuals who voted for you. Lastly, I would like to note that the dual role of Mr. Black as both the Planning Director and the Executive Secretary appears a serious conflict of interest and compromises the representation of Cottonwood Heights Citizens.

I hope the Mayor and City Council will choose to represent individuals of Cottonwood Heights and vote AGAINST the development of the Wasatch Office Complex. Should this development continue, I assure you that you will loose my property tax dollars as I will relocate to another community and advise those I work with and interact with to choose against Cottonwood Heights as a place to live and do business.

Thank you for your attention,

Sarah Heavin
7659 Avondale Drive
Cottonwood Heights, UT
84121
801-633-3187.

Michael Black

From: Alma Thomas [altfmt@earthlink.net]
Sent: Wednesday, December 26, 2007 6:52 PM
To: Michael Black; Kelyvn Cullimore; Liane Stillman
Cc: rmgoodtt@msn.com
Subject: WASATCH OFFICE PROPOSAL

We are sure you have heard the many arguments in opposition to the proposed offices east of Wasatch Blvd. near 7800 South. Perhaps you should hear (read) some of them again.

You witnessed the numbers of people at the previous meeting. The room couldn't accommodate the overflow crowd. Many were standing outside. This display of opposition should get your attention !!

Here are just a few of the concerns and reasons that these office buildings should not be approved by the planning commission: Insufficient property for the proposed development, poor location choice, safety concerns, a danger to travel on Wasatch Blvd., serious and proven geological issues, endangerment to homes and their inhabitants above (east) of proposed development, unreasonable traffic congestion, people in office buildings looking down and into existing homes and most of all just plain common sense.

Tourists attempting to access our world class ski resorts will face unreasonable delays getting to and from their destination. This will have an effect on the money skiers spend at these resorts. Do we want them to go to Park City, or perhaps chose to ski in Colorado due to the inconvenience ?

Question: Who would be held responsible if there is damage to homes as a result of your approval of these buildings ? ? We believe this is a viable question and should be addressed at the meeting prior to considering your vote.

Question: Does a serious tragedy have to occur before irresponsible development above Wasatch Blvd. is halted ? ?

After attending several Cottonwood Heights Planning Commission and City Council meetings, there are some genuine concerns that have been voiced by residents (tax payers and voters) each and every time. Does conflict of interest exist ? It appears the Planning Commission "caves in" to developers rather than protect the interests of residents.

Some of the statements made by the PC at past meetings lead us to believe that the members do not have a clear understanding of the impact of their decisions.

USING LOGIC AND CONSCIENCE, PLEASE VOTE **NO ON THIS DEVELOPMENT.**

Freeland and Alma Thomas
7876 Deer Creek Road
Cottonwood Heights 84121

Michael Black

From: ROBERT GOOD, REBECCA GOOD [rmgoodtt@msn.com]
Sent: Sunday, December 30, 2007 10:24 PM
To: Michael Black
Cc: Kelvyn Cullimore; Liane Stillman
Subject: Note to Planning Commission

Michael:

We have generated a document for the Planning Commission to review prior to the scheduled January 9 meeting concerning the Wasatch Office Complex. The attached Word file speaks to several safety and environmental issues as well as the issues surrounding the compliance with city ordinances. The Word file contains the issues they must consider and there are 3 additional attachments hereto: the sensitive lands ordinance, the conditional use ordinance, and our calculation of the limits of development of the site according to the sensitive lands ordinance. These attachments are for the convenience of the PC members to look up specific issues referred to in the submitted Word document.

We understand that you will not be in the office until January 2nd, even though we understand that the latest submission date for citizen comment has not changed from December 31. Hence, we expect to see this document submitted to the PC ASAP.

We have copied the mayor and city manager on this to be sure that they understand that it has been submitted prior to the established deadline. We would appreciate it if either Kelvyn or Liane would respond to this email, confirming receipt on Monday, December 31.

Thank you,
W. Robert and Rebecca Good
7730 S. Quicksilver Dr.
phone: 943-8187
email: rmgoodtt@msn.com

Dear Planning Commission Members;

We are very concerned with Safety, Welfare and Health of the residents, office occupants and commuters. Density in a residential area and Density on sensitive land are accidents waiting to happen.

INCREASED POLLUTION AND TRAFFIC :

Traffic increase AND OF COURSE, pollution. With this kind of office complex, there will be people in and out all day long. Cars in and out all day long as with dentists and doctors, the cars will park for an hour appointment and leave opening up spaces for the next and the next and the next car. They are proposing 125 parking spaces. If each office has one dentist or doctor and they see a patient every hour that will be six cars a day for each Dr or Dentist. 6 times the capacity of 125 spaces adds up to 750 people in an out all day long. It is not like an office building where there are steady staff and no clients coming and going.

Accidents will increase!!

We are now getting increased pollution in our once pristine canyon. The mouth of the canyon and south used to have clean fresh air. Then they allowed the Wasatch offices on 6200 South which have crept up to Wasatch and 6200 South. This increased traffic north and south also increased the air pollution in our neighborhoods. An office complex such as this one will increase exponentially the already lingering fumes and smog which has now crept up to our pristine area.

INCREASED EARTHQUAKE DANGER:

We have given the Planning Commission through Mike Black, the University of Utah's prediction of an earthquake being due along the Wasatch Fault. On Saturday December 22, 2007, the Salt Lake Tribune had an article "Scientists scrutinize S. Utah Quake Threat" Geologists warn that the more building and traffic backups cause the earth to shake, making the area of the fault unstable. By building this large a complex the bulldozers, the digging, etc could set off a quake. Maybe not right away, but sooner than later. By increasing the numbers of cars and adding to the back up we experience much of the winter, this fault area is at an even higher risk of rupture.

Look at the past information we sent you on earthquake danger along the Wasatch fault. The State has a special task force and stricter laws are being proposed to be put into place next year. The developer says the buildings are using earthquake codes. The plans do not demonstrate the requirements being followed. Minimal standards are being followed, not the State coded ones.

Do you want to be responsible for injuries and damages ? Does the Planning Commission have officers' and Director's insurance? .

ORDINANCE FOR COMMERCIAL BUILDINGS ON SENSITIVE LAND:

We have asked on numerous occasions what ordinance is in place for building on sensitive lands and are told that there is none. If this is not correct, have yet to get an answer. **Density is a major issue.** The issue of density and land usage in the Sensitive Lands Ordinance, Chapter 19.72.040 (A and D) came up at the first PC meeting. Topham was to get back to the PC at the next meeting at which time he used the density definition to justify saying that offices (commercial development) does not fall under this part of the Sensitive Lands Ordinance. In addition, we have pointed out that the proposal violates many components of the Conditional Use Ordinance, Chapter 19.84.080, some of which are consistent with the Sensitive Lands Ordinance. Joanne questioned this from staff at the last meeting, but received no specific response from staff. We aren't allowed to speak after the hearing is closed. How can we get answers? **Please pay attention to a major discrepancy.**

We have pointed this discrepancy out and asked for the ordinance for commercial development in our written rebuttal in October when we were given extended time to respond in writing. However, no one seems to pick up on it. Are you not really reading or perhaps have not received what we send? For your convenience, we are attaching the two referenced ordinances.

We feel it is essential to have consistency on **all** properties. There should be no exception, no matter what the definition of density may be according to interpretation. The Sensitive Land Ordinance is poorly worded and inconsistent with the Conditional Use Ordinance with respect to land usage. We believe that the limitation on development of slope areas in excess of 30% and a total maximum allowable impervious coverage of 35% of the total project area, not including the undevelopable slope area is intended for **all** construction, not just for houses as defined by the term 'density.' This was part of the issues submitted to the planning staff for the previous PC meeting. We attached to the previous comments a Word file pointing this violation out with a correct calculation for impervious land limits, which is also attached hereto. It is esp. important to have an even more rigid ordinance for offices or other commercial structures as the numbers of people working and frequenting them are significantly more than if residential or multifamily. The ordinance is there to keep density down, not allow more of it!

TRAFFIC THROUGH OUR NIEGHBORHOODS:

There is no doubt that the traffic will increase significantly through our neighborhoods as the residents themselves find they cannot access Wasatch Blvd other than going to Honeywood Cove Drive or through Prospector one to turn onto 7000 and get to the traffic light at Wasatch Blvd.

We have pointed out before that when the traffic is heavy on Wasatch, people cut through the neighborhoods using Prospector Dr to get to the light at Bengal or go up further to Kings Hill. We have had UDOT buses cut through on their way to the canyons.

UDOT CANNOT MITIGATE THE SAFETY CONCERNS:

Kris Christopherson said that UDOT had no choice but to allow access off Wasatch. He was concerned for safety and could only mitigate safety to an extent. They cannot say it is unsafe to have three major intersections on a main artery with in a mile apart. They cannot say it is dangerous to have cars accessing Wasatch from Bengal, Prospector, Canyon Racquet Club and 7000 South. UDOT is placing the safety issue in your hands. They have done what they can but cannot guarantee it is enough! Now the newest person from UDOT on this issue spoke at the last work session. He also says that UDOT is doing its best to mitigate safety issues on an access they had no choice but to grant. We heard no guarantees made. Just they will do their best. We are told by Mayor Cullimore that the experts at UDOT have done their best and we need to trust them. Again, they may be experts, but can they guarantee that the accidents will not increase with at least 750 more cars a day accessing another busy intersection? Are they aware of the projected numbers of usage in and out? We think not! Are you all aware of the exceptionally high usage of medical buildings?

Safety Safety and more safety.

There are many mitigating reasons why this complex would be denied. We are not saying do not develop the land. We are asking that it is not allowed the density of an office complex. The buildings are much smaller. We are saying that the developer can rezone it again back to residential and build single family homes. He knew the history when he purchased the land. He knew it was approved for 8 homes. We welcome these homes, but not a high density office complex.

Do not allow this commercial development over safety and welfare of everyone concerned, except the developer. As we have said so many times before. We live here, pay taxes and have a vested interest in our neighborhoods and community. A developer is in and out, most often pillaging the precious land with little or no regard for the residents. They take the money and run leaving us all with the aftermath.

Thank goodness we have the Planning Commission as a fail safe to prevent this from happening. You have the authority to deny this development. There are enough mitigating reasons why not to grant a conditional use permit!

Please send a message to wealthy developers who come in with their money and think that they can buy their way. We were warned at the county level that we were against a lot of money and resources and could not win. Please send a message that Cottonwood Heights is out for what is in the best interest of Cottonwood Heights and not developers.

This document was compiled from calls, emails and neighborhood meetings of many residents. And is Respectfully submitted by,

W. Robert Good, representing
Concerned Residents of Cottonwood Heights

Item 1

Page 2 under "Site Layout" it is stated that 65% of the site is unusable according to excessive slopes and paragraph 19.72.040(D) of the Sensitive Lands Ordinance. The means to calculate the total of 35% allowed for impervious surface is not given and appears to be incorrect.

According to Ordinance 19.72.040(A), only 30% of slope areas greater than 30% can be added in the area calculation to determine density. Using the plan survey map, we have calculated the unusable slope area (40% of total or 92,005 ft²) and the project area (60% of total or 135,987 ft²). We have then added 30% of the unusable area to the project area to get a total project area of 163,589 ft². Then, according to ordinance 19.72.040(D), maximum allowed impervious area of the project is 35% of the total project area, or 57,256 ft². A detailed copy of the spread sheet calculation is attached.

This accurate calculation according to the ordinance indicates that the plan submitted exceeds the ordinance limit for impervious area by 22,541 ft². Hence, the submitted plan should be denied based on Sensitive Land Ordinance.

**Comparison of Allowable Impervious Surface Area
Using Incorrect 35% of Total Lot Area vs. Correct
Calculation According to Ordinance 19.72.04 (A and D)**

Incorrect Calculation Using 35% of Total Land

78,060

Data Calculated from the Survey Map
15/16 in. = 80 ft or 7281.78 sq.ft/sq in.

Calculations for Project Area	Square Inches	Square Ft	Pct of Total	Notes
Total Area (5.18 acre)	31.31	227,992.53	100%	
Unusable 40% of Total Area	12.64	92,005.29	40%	19.72.040 A.
Project Area (Difference)	18.68	135,987.24	60%	
30% of Unusable Area	3.79	27,601.59	12%	19.72.040 A
Total Project (Project + 30% of Unusable)	22.47	163,588.83	72%	19.72.040 A
Actual Impervious Allowed (35% of Total Project)	7.86	57,256.09	25%	19.72.040 D
Difference Between Plan and Allowed		22,541		
Incorrect Calculation Using 35% of Total Land		79,797		

Chapter 19.72
SENSITIVE LANDS

Sections

- 19.72.010 Purpose.**
19.72.020 Scope and application.
19.72.030 Procedure.
19.72.040 Development requirements.
19.72.050 Development standards.

19.72.010 Purpose.

The city deems it important to the peace, health, safety, and welfare of the city's inhabitants that sensitive land areas within the city be protected through their inclusion in a sensitive lands overlay zone to insure that urban development be guided in a manner that will minimize the potential for flooding, erosion, and other natural hazards and will protect their natural scenic beauty. The objectives to be achieved by designation of a Sensitive Lands Overlay Zone include, without limitation, the following:

1. The protection of the public from natural hazards of storm water runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.

2. The minimization of the threat and consequential damages of fire in hillside areas by establishing fire protection measures.

3. The preservation of geological features, wildlife habitat, and open space.

4. The preservation of public access to mountain areas and natural drainage channels.

5. The retention of natural topographic features such as drainage channels, streams, ridge lines, rock outcroppings, vistas, trees and other natural plant formations.

6. The preservation and enhancement of visual and environmental

quality by use of natural vegetation and the prohibition of anything excessive and of any terracing.

7. The assurance of an adequate transportation system for the total hillside area to include consideration of the city's master street plan from time to time. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.

8. The establishment of on-site and off-site traffic facilities that are designed for accessibility of fire protection, snow removal, school buses, and emergency vehicles.

9. The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and will preserve open space and natural landscapes.

10. Placement of building sites in such a manner as to permit ample room for adequate landscaping, surface drainage, parking between and around the buildings, and sewer serviceability.

11. The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

19.72.020 Scope and application.

A. Application.

The provisions of this chapter shall apply to all lands in the city which lie within any area designated as a Sensitive Lands Overlay Zone on the city's zoning map. The regulations of this chapter may apply to an area outside of a designated Sensitive Lands Overlay Zone if the director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the city's zoning map shall thereafter be amended to include such area in the Sensitive Lands Overlay Zone.

All approved subdivision plats that lie wholly or partially within the Sensitive

Lands Overlay Zone shall be recorded with such designation shown on the affected lots.

B. Supplemental and Conflicting Provisions.

Unless otherwise specifically provided, the overlay development standards in this chapter are in addition to the standards applicable to the underlying districts provided elsewhere in this title. In the event of conflict between the standards, guidelines and criteria of this chapter and the requirements of the underlying zoning district, the city's subdivision ordinance or any other requirements of this code, the more restrictive provision shall apply.

C. Preliminary Activities

The following requirements shall govern any preliminary surveying, testing, or design-related activities conducted within the Sensitive Lands Overlay Zone for the purpose of exploring, evaluating and/or establishing locations for any permanent improvements.

(a) Proposals for surveying, testing or other design-related activities requiring physical entry into areas located within the Sensitive Lands Overlay Zone shall be submitted to the planning commission for review and approval. The areas of proposed disturbance shall be staked at the applicant's expense. Following staking, the city engineer shall have a reasonable opportunity to observe the staking prior to granting a permit.

(b) Thereafter the planning commission and the city engineer may authorize issuance of a grading permit to allow access to, and permit testing of, the areas in which the permanent improvements are proposed to be located. The permit shall be limited to the staked area of proposed disturbance and may include conditions deemed appropriate by

the city engineer to protect sensitive areas. Such conditions may include requirements for the following:

1. Photo documentation in order to identify pre-existing types and general locations of vegetation materials which may need to be replaced

2. Implementation of adequate erosion control measures approved by the city engineer to protect affected areas. Supplemental erosion control measures may also be required between initial disturbances and either construction of permanent improvements or restoration and revegetation of the disturbed area.

3. Limitations on cuts and fills to ensure that such cuts and fills are made only where necessary to obtain access for required testing.

4. Requirements for restoration and revegetation of disturbed areas where permanent improvements are not constructed within a reasonable time following the disturbance.

(a) Following the completion of any preliminary surveying, testing, or design-related activities in accordance with this subsection, any permanent improvements subsequently developed or installed in the Sensitive Lands Overlay Zone shall conform to the provisions of this chapter.

19.72.030 Procedure.

Proposals for development in the Sensitive Lands Overlay Zone shall follow the procedure set forth in this section and shall be reviewed and approved by the planning commission a building permit is issued.

A. Conceptual Approval.

Development within the Sensitive Lands Overlay Zone shall first require the submittal and approval of a development proposal which includes the following information:

(a) A development map, drawn at a scale of 1"=100' or larger, which shows:

- (1) One or two foot contours;
- (2) Natural slopes of 30% or greater color shaded;
- (3) Proposed development layout of lots, roads, schools, churches, parks, open space, fire stations, commercial, cut or fill slopes or areas of disturbance, and any other proposed land use;
- (4) Any roads with grades in excess of eight percent; and
- (5) Native vegetation, by type and location.

(b) A report which indicates:

- (1) Total development area;
- (2) Number of lots or units;
- (3) Proposed density;
- (4) Percentage of each use, such as residential, commercial, recreational, transportation, etc.; and
- (5) Statement of justification for the project design.

B. Preliminary Approval.

Following conceptual approval, preliminary approval shall be obtained. The information and reports required in this subsection shall be submitted as part of an application for preliminary approval and may be in addition to information required for preliminary approval for a subdivision.

(a) All prepared reports shall be prepared by persons licensed to practice their specialty or expertise in the state.

(b) In reviewing technical reports, calculations, and plans which may be required, the city engineer may find it necessary to obtain the advice of other experts regarding the adequacy of the reports submitted and the validity of the conclusions and recommendations reached in the reports. In such cases, the city engineer may consult with such experts, with the reasonable costs of these consultations to be borne by the

developer. Payment by the developer of the costs of such consultations shall be a condition of preliminary or final plat approval.

(c) A development model, at a scale determined appropriate by the director, which shows:

- (1) Two foot contour intervals or as determined appropriate by the director;
- (2) Natural slopes of 30% or greater color shaded;
- (3) The proposed layout of lots, roads, open space, cut or fill slopes or areas of disturbance, and existing native vegetation by type and location.

C. Soils Investigation

A soils investigation report which contains the following information:

(a) Nature, distribution and classification (Unified Soil Classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten feet deeper than the proposed excavations or to bedrock, whichever is less;

(b) Strength of existing soils, bearing capacity of supporting soils, settlement estimates, lateral pressures and trench excavation limitations;

(c) Ground water levels that may affect development and estimated elevation of high ground water levels;

(d) Appropriate laboratory testing for classification, consistency, strength and consolidation conditions;

(e) Slope stability;

(f) Potential frost action based on material type and groundwater level;

(g) Frost depth;

(h) Geologic and hydrologic hazards unless described in subsections (5) and (6) below, entitled "Geotechnical and Geological Report" and "Grading and Drainage Report";

(i) A verified written statement by the persons or firm preparing the soils

report describing the general suitability of the site for the developer's intended use. The report shall identify soil constraints to development and shall state the professional opinion of the author as to the ability of the proposed development plan to mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, adverse affects on the safety use or stability of public way or drainage channel, and adverse impact on the natural environment. If the soil report prepared for a subdivision shows the presence of critically expansive soils, high water table, organic soils, liquefiable soils, collapsible soils, or other soil problems which, if not corrected, would lead to structural defects of the proposed building, damage to the building from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the city

D. Vegetation Report.

A vegetation report which shows:

- (a) Location and identification of existing vegetation;
- (b) Vegetation to be removed and the method of disposal;
- (c) Vegetation to be planted to replace the amount and type being removed;
- (d) Slope stabilization measures to be installed;
- (e) Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, wildlife, and fire hazard; and
- (f) Topsoil stockpile area for restoration of topsoil following completion of construction.

E. Geotechnical and Geological Report.

A geotechnical and geological report shall be required whenever a proposed development:

- (a) Lies within 1,000 feet of an identified fault;
- (b) Is located above the level of the ancient Lake Bonneville;
- (c) Is located at an elevation of five thousand two hundred (5,200) feet or greater;
- (d) Is located on slopes greater than 25% percent; or
- (e) Is determined to have potential hazards by the city engineer, Salt Lake County geologist, or state geologist.

The geotechnical and geological report shall include:

- (a) A geologic map showing topography, surface, and subsurface geologic features and any geologic limitations to the proposed use
- (b) Depth of bedrock
- (c) Geologic hazards
- (d) Ability to mitigate or eliminate geologic problems
- (e) Subsurface investigation logs and reports

F. Grading and Drainage Report.

A grading and drainage report which includes storm water management, erosion, and grading plans describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss, and hydrologic hazards will be controlled during and after construction. The plan shall include the following information:

- (a) The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using contour interval of one or two feet;
- (b) The proposed area to be graded shall be clearly delineated on the plan;

(c) All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts, and other water management or soil erosion control measures shall be shown. Drainage calculations shall determine runoff volume and peak discharge using the "Rational Method, SCS, or Curve Number Method," or appropriate equivalent. Data provided should include:

(1) Rainfall depth, duration and distribution;

(2) Watershed slope and drainage area delineation;

(3) Land condition of watershed surface;

(4) Topography of drainage area; and

(5) Description of soil conditions of watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Data to be provided should include factors of:

(a) Rainfall intensity and duration;

(b) Soil erodibility;

(c) Land slope and length of slope or topography;

(d) Conditions of the soil surface and land management practices in use; and

(e) Surface cover, grass, woodland, crops, pavements, etc.

G. Final Approval.

Final approval shall require satisfactory compliance with all of the requirements of the preliminary review, and compliance with all city requirements for final plat approval.

19.72.040 Development requirements.

A. Development in General.

Slope areas in excess of 30% may not be developed, and no more than 30% of a development's slope areas in excess of

30% may be included in the area calculation to determine density. The planning commission may modify this requirement upon finding that:

(a) No significant harm will result;

(b) The proposed modification will result in a more functional and improved plan; and

(c) The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed modification.

B. Subdivision, Single Family Lots.

The minimum lot size and yard requirements of the underlying zone shall apply, with the following exceptions:

(a) Every lot shall have at least 3,500 square feet of "buildable area". A lot's "buildable area" is the area of the lot where the slope is 30% or less, which is completely contiguous and which has a minimum dimension of 50 feet.

(b) Lots shall allow dwelling units to be located within 250 feet from a public street. All main and accessory buildings shall be built entirely within the buildable area.

C. Density Limitations

The density limitations of the underlying zones shall apply except that all buildings be built within the buildable area.

D. Maximum Impervious Surface

The total maximum allowable coverage by impervious material within a project or portion of a project within the Sensitive Lands Overlay Zone shall not exceed 35% of the total project area. Areas of roofs and driveways will be estimated and included in the total impervious surface area.

19.72.050 Development standards.

A. Scope.

The development standards and provisions of this section shall be required in connection with all structures and construction in the Sensitive Lands Overlay Zone.

B. Grading, Drainage, and Erosion.

The area of the watershed shall be used to determine the amount of storm water runoff generated before and after construction.

(a) A grading and drainage report shall be prepared in which the developer shall describe the methods intended to be employed to control the erosion increase while in construction.

(b) The developer is responsible for interim stabilization of all disturbed areas during periods of construction to prevent erosion offsite effects, and for final stabilization once construction is completed.

(c) The "SCS, Curve Number Method, or Rational Method," or other storm water computation method as approved by the city engineer, shall be used in computing runoff.

(d) Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The 100-year storm event shall be that basis for calculating setbacks. No structures shall be allowed in the 100-year flood plain.

(e) Existing drainage channels shall remain as historically located except that roads and utilities may be installed across such channels as approved by the city engineer. Where these channel modifications are planned, the developer shall obtain applicable state Division of Water Rights and U.S. Army Corps of Engineers permits. The developer shall provide evidence of such permits to the city.

(f) Facilities for the collection of storm water runoff shall be constructed

on the development sites and according to the following requirements:

(1) Such facilities shall be the first improvements or facilities constructed on the development site.

(2) Such facilities shall be designed so as to detain safely and adequately the maximum expected storm water runoff for a 100-year storm event while allowing an offsite discharge not to exceed one tenth (0.1) cubic foot per second per acre.

(3) Such facilities shall be so designed so as to divert surface water away from cut faces or sloping surfaces of a fill.

(4) The existing drainage system will be utilized to the extent possible in its unimproved state.

(5) Where drainage channels are required, wide shallow swales lined with appropriate vegetation, rock, or other approved material shall be used instead of cutting narrow, deep drainage ditches. Flow retarding devices, such as detention ponds, check dams, and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.

(g) Construction on a development site shall be of a nature that will minimize the disturbance of vegetation cover.

(h) Erosion control measures on a development site shall minimize increased suspended solids loading in runoff from such areas. A drainage design system to control storm water erosion during and after construction shall be contained in a detailed grading and drainage report submitted by the developer.

(1) No grading or stripping shall be permitted except as part of a development plan approved in advance by the planning commission.

(2) A description of any hydrologic hazards associated with the proposed

development site and adjacent area shall be required. Hydrologic hazards may include high water table, surface water impoundments, gradient of the property, flood plains, etc.

C. Cut and Fill Slopes:

Cut and fill slopes shall comply with the following unless otherwise recommended in an approved soils and geology report:

(a) Cut and fill slopes shall not exceed 12 feet.

(b) Cut and fill slopes shall not exceed a slope ratio of 2:1 except as follows:

(1) No slopes shall be cut steeper than the bedding plane, fracture, fault or joint in any formation where the cut slope will lie on the dip of the strike line of the fracture, bedding plane, fault or joint.

(2) No slopes shall be cut in an existing landslide, mud flow or other form of naturally unstable slope.

(3) If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture conditions, the slope angle shall be reduced to a stable value or increased through retention using a method approved by the city engineer and certified as to its stability by a professional soils engineer.

(c) Fill slopes shall not be constructed on natural slopes steeper than 2:1.

(d) Roadway cut and fill slopes located outside the dedicated public right-of-way shall be within recorded easements providing for slope protection and preservation. The easements shall be in a form acceptable to the city.

D. Earthwork.

(a) All surface areas to receive fill shall be stripped of any surface vegetation, topsoil, and organics and

cleared of any trash and debris that may be present at the time of construction.

(b) After the site has been cleared and stripped, the exposed subgrade soils in those areas to receive fill shall be scarified to a depth of eight inches.

(c) All fill material shall be earth materials that are free from organic material, (less than 30% by volume) and other deleterious materials as well as free of metal, concrete, asphalt and other construction debris. Imported fill material should be a non-expansive (less than 2% swell) granular materials and should not contain rocks or lumps over 6-inches in greatest dimension and not more than 15% of the material larger than 2 1/2-inches.

(d) Surface areas disturbed by trench excavations, shall be contained within approved rights-of-way, except as may be necessary in order to comply with Occupational Safety and Health requirements as the city engineer may approve. Trench boxes shall be used whenever required to insure compliance with this requirement.

(e) The following compaction criteria shall be met for filling operations based on ASTM test designation 698-78:

Description Compaction Effort

Subgrade 95%

Structural Fill 98%

Trench Backfill 95%

Trench Backfill

(top 12-inches

beneath

pavement

and concrete) 98%

Basement wall backfill 90%

Fill material shall be spread and compacted in uniform horizontal lifts not exceeding eight inches in uncompacted thickness. Before compaction begins, the

fill shall be brought to within 2% +/- of the optimum moisture content. Each lift should be thoroughly mixed before compaction to ensure a uniform distribution of moisture.

(f) All structures shall bear on well compacted fill material or firm, undisturbed natural soil. No organics, mud, muck, frozen material or ponded water shall be allowed in the footing foundation.

(g) A written summary report of the completed compaction, showing location and depth of tests, materials used, moisture-density curves, moisture contents and relative density (if appropriate), prepared by a civil engineer, geotechnical engineer, or soils engineer shall be submitted to the city engineer for review.

(h) The city engineer may require additional tests or information, if, in his opinion, the conditions or materials are such that additional information is necessary.

E. Setbacks.

The setbacks and other restrictions specified by this subsection are a minimum and may be increased by the city if necessary for safety and stability, to prevent damage of adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Setbacks dealing with distances from property lines, structures or faults, and must satisfy requirements of the following paragraphs. Retaining walls may be used to reduce the required setbacks when approved by the city.

(a) Setbacks from property lines shall comply with this title and the city's building code.

(b) Setbacks between graded slopes (cut or fill) and structures shall comply with the city's building code and other applicable ordinances.

(c) No structure shall be located over a fault. Determinations of the appropriate setback distance from the fault shall be made using data obtained in the geological report by the person or firm who prepared the geological report, but in no case shall this distance be less than ten feet.

F. Vegetation and Revegetation

(a) All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.

(b) The use of persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planning and installation of revegetation cover.

(c) Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.

(d) No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined by the planning commission upon recommendation.

(e) Approval from the city engineer for uses such as trails and open space improvements. Any revegetation of such a hillside shall be subject to the approval of the city engineer.

(f) Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping (i.e., cut and fill slopes).

(g) All disturbed soil surfaces shall be stabilized or covered prior to November 1st. If the planned impervious surfaces (i.e., road, driveways, etc.) cannot be established prior to November 1st, a temporary treatment adequate to

prevent erosion shall be installed on those surfaces.

(h) The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the planning commission. The property owner shall assume co-responsibility with the developer upon purchase of the lot.

G. Geology.

(a) No structure shall be built on or with 20 feet of any identified faults.

(b) No structures or off-site improvements shall be allowed on any active landslide area.

(c) Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the planning commission.

(d) No structures shall be allowed in any rockfall zone. Off-site improvements may be allowed through special approval by the planning commission.

H. Fire Protection.

(a) Footing and foundation permits shall not be issued until work on the water system has commenced. A full building permit shall be issued only when the water system is completed and operational to provide fire protection.

(b) Each development site proposal and building permit application shall be reviewed by the fire department to assure compliance with the city's fire code. Non-compliant developments shall be disapproved.

(c) Spark arresters shall be installed in every fireplace constructed indoor or outdoor. Screen openings in such arresters shall not be in excess of 1/4 inch diameter.

(d) Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

(e) Restrictive covenants for a development in the Sensitive Lands Overlay Zone shall not require the use of wood shake shingles or wood exterior siding, regardless of whether or not such materials have been treated with fire retardant.

I. Streets and Ways

Streets, roadways, and private access ways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

(a) At least one ingress and one egress route shall be provided for each subdivision or PUD project, unless there is a crash gate or the extension of a future stub street that will provide additional access.

(b) Points of access shall be provided to all developed and undeveloped areas for emergency and fire fighting equipment. Driveways located upon each lot extending from a public or private street shall have sufficient width and design to admit and accommodate fire fighting equipment (complying with all city engineering standards).

(c) Cul-de-sacs shall not exceed 600 feet in length and shall have a turnaround with a back of curb line radius of at least 55 feet. Stub-streets that are longer than the width or length of any adjacent single lot or 200 feet, whichever is less, shall have a temporary turnaround at the end thereof.

(d) Centerline curvatures shall not be less than a 100 foot radius on any curved street pattern.

(e) Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the planning commission for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

(f) Development sites which are located near canyon trails will provide access to those trails. Parking areas may be required by the planning commission at trail heads.

(g) Developments adjacent to public lands shall provide for access by fire protection equipment.

(h) The maximum amount of impervious surface for streets and roadways shall be 20% of the entire development site.

(i) All streets or rights-of-way for vehicular traffic shall be subject to the following limitations:

(1) The maximum grade of such streets or rights-of-way shall be 12% except as hereafter provided.

(2) The provisions of this subsection shall not apply to streets or rights-of-way already constructed or which have heretofore been granted preliminary approval by the planning commission.

(3) Roads shall be designed to meet the city road base, asphalt and compaction standards.

J. Trails Upon Hillsides

(a) Trail means a system of public recreational pathways located within the city for use by the public.

(b) The sub-divider shall dedicate and improve to city standards trails necessary to provide public access to public lands and other trails shown on city or county master plans or required by the planning commission. Trails shall be located so

that the route is feasible for both construction and long-term maintenance; sideslopes shall not exceed 70% and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approving the subdivision. The amount of land required for trail dedication without compensation shall not exceed five percent of the land within the subdivision excluding trails located within a standard street right-of-way.

(c) A trail may be constructed to access upper/lower portions of residential property subject to the following conditions:

(1) That no cut or fill of the hillside be in excess of two feet. All cuts or fills shall be properly retained.

(2) That the trail follows a meandering course, and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.

(3) That the trail be heavily landscaped with native materials.

(4) That prior to construction and/or hillside cuts, the trail plan be submitted to the director and city engineer for review and approval.

(5) The property owner may appeal any conditions placed upon the approval, or the denial of the request to the planning commission.

K. Architectural Design.

(a) The design of buildings proposed for construction in the Sensitive Lands Overlay Zone is encouraged to be visually compatible with the natural beauty of the foothills and canyon areas and other surrounding sensitive lands.

(b) The use of materials for buildings and fences shall blend harmoniously with the natural setting.

(c) The planning commission may review the design and comment on the specified exterior materials and colors for all structures other than single family dwellings.

(d) Exposed foundation walls shall not exceed four feet above finished grade at any point.

L. On-Site Development

The property owner and developer shall be fully responsible for making all improvements in accordance with the development site approval, e.g., drainage, erosion and vegetation requirements.

M. Bond

In addition to the provisions requiring the posting of a bond, the developer or property owner shall be required to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fills and construction of storm water runoff facilities, and the construction of recreation space as required in the code. Such bond shall be in an amount equal to 110% of the cost of construction of such work and shall continue for 18 months after the completion date of such projects, improvements or facilities.

Chapter 19.84
CONDITIONAL USES

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19.84.010 Definition.

A "conditional use" is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

19.84.020 Approval standard.

1. No Presumption of Approval. The listing of a conditional use in any table of permitted and conditional uses as found in various chapters of this title does not constitute an assurance or presumption that any such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

2. Standard for Approval. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

**19.84.030 Site plan and permit
required.**

1. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be, located, and if the use is specified as a conditional use elsewhere in this title. Failure to comply with any of the conditions imposed in the permit will result in an order to show cause for revocation. The permit may be revoked by the planning commission upon evidence that any condition has not been met.

2. A conditional use has the potential for adverse impact on the use and enjoyment of adjacent properties and uses if the proposed conditional use is located and laid out without careful planning. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required for all conditional uses in all zoning districts in the city.

19.84.040 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee under this code.

19.84.050 Application.

1. The conditional use process is initiated upon submittal of a conditional use permit application to the department. The planning commission may authorize the director to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

2. All applications for a conditional use permit shall include:

(a) The applicant's name, address, telephone numbers and interest in the property;

(b) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

(c) The street address and legal description of the subject property;

(d) The zoning classification, zoning district boundaries and present use of the subject property;

(e) A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within 300 feet of the boundaries of the subject property. When a conditional use permit will be considered by the planning commission, the application shall also include a current plat map showing the names and addresses of all property owners appearing on the tax rolls of the Salt Lake County Assessor within 300 feet of the boundaries of the subject property.

(f) A plat or a survey of the parcel of land, lots block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;

(g) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape

architect, planner or engineer on the project;

(h) A complete description of the proposed conditional use;

(i) A plan or drawing drawn to scale of twenty feet to the inch (20' = 1 inch) or larger which includes the following information of the proposed use:

1. actual dimensions of the subject property;

2. exact sizes and location of all existing and proposed buildings or other structures;

3. driveways;

4. parking spaces;

5. safety curbs;

6. landscaping;

7. location of trash receptacles;

8. drainage features and environmental features; and

9. a table showing all land uses and open space with square feet and percentage of total property for each use.

(j) A traffic impact analysis (when deemed necessary by the department);

(k) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;

(l) Envelopes, mailing labels and first class postage for all property owners located within 300 feet of the subject property when a conditional use permit will be considered by the planning commission; and

(m) Such other further information or documentation as the director may deem to be necessary for a full and proper consideration and disposition of the particular application.

19.84.060 Staff report.

1. Once the department has determined the application is complete, a staff report evaluating the conditional use

application shall be prepared and forwarded to the planning commission.

19.84.070 Public hearing.

A public hearing may be held if the chairman of the planning commission deems a hearing to be in the public interest.

19.84.080 Determination.

1. Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use.

2. In approving a conditional use, the planning commission may impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:

(a) That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;

(b) That such use will not, under the circumstances of the particular case,

be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

(c) That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;

(d) That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;

(e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;

(f) That protection of property values, the environment, and the tax base for the city will be assured;

(g) That the use will comply with the city's general plan;

(h) That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;

(i) That the internal circulation system of the proposed development is properly designed;

(j) That existing and proposed utility services will be adequate for the proposed development;

(k) That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;

(l) That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;

(m) That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;

(n) That the proposed use preserves historical, architectural and environmental features of the property; and

(o) That operating and delivery hours will be compatible with adjacent land uses.

The foregoing approval standards shall be subject to any contrary requirements of *Utah Code Ann.* § 10-9a-507, as amended.

19.84.090 Effect of approval.

The approval of a proposed conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the city, such as subdivision approval, a building permit, a certificate of occupancy, etc.

19.84.100 Appeals.

Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

19.84.110 Inspection.

Following the issuance of a final conditional use permit:

(a) The department may accept an application for approval of a building permit (if applicable), and shall insure that development is undertaken and completed in compliance with the conditional use permit, the city's building code, and any other applicable laws or ordinances.

(b) The director shall make periodic inspections to assure compliance with all applicable conditions of approval. An investigation report will be issued to any conditional use permittee that is out of compliance. If the discrepancy is not corrected in an allotted time of not less than ten days, then an order to show cause will be issued for action by the planning commission.

19.84.120 Time limits.

1. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for no more than three successive periods thereafter.

2. Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning commission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.84.130 Amendment.

1. Once granted, a conditional use permit, or a conditional use thereunder, shall not be enlarged, changed, extended, increased in intensity, or relocated unless an application is made to amend the existing permit, and approval is given by the planning commission, except as provided below:

(a) The director may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. Such administrative determinations may be made only where the following conditions exist:

i. All additions, modifications or changes are determined not to have significant impact beyond the site.

ii. Any decision of the director may be appealed within 30 days to the planning commission.

(b) The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the director determines not to make an administrative determination as provided in (a) above and where the following requirements are met:

i. The proposed modification or amendment complies with the intent and purpose of this chapter.

ii. Reasonable conditions may be attached if, and to the extent that, the planning commission finds that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this title. Impacts must be of the magnitude that, without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

iii. All decisions of the planning commission regarding approval, denial

the imposition of special conditions may be appealed to the board of adjustment as provided in this title.

19.84.140 Revocation.

1. The planning commission may revoke a conditional use permit if the conditions of the permit are not fully complied with. Prior to such a revocation, the chairman of the planning commission, after receiving information showing there is reason to believe that the conditions of the permit are not being followed, shall issue an order to show cause to the owner or person in control of the property or use in question. Such order shall specify the alleged conditions that are not in compliance, inform the owner or other responsible party that the subject conditional use permit may be revoked, and affording an opportunity for presentation of any relevant contrary evidence.

2. After a hearing, the planning commission may revoke the conditional use permit, allow the use to continue, or add new terms and conditions to an existing permit. Any decision of the planning commission shall include findings of fact and its ruling. Following its decision, the planning commission shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner. Nothing in this section shall be construed to prevent the planning commission from otherwise reviewing conditional use permits or be construed to prevent persons from being prosecuted under the criminal provision of this code for failure to comply with the terms of a conditional use permit.

3. Any person or firm aggrieved by the decision of the planning commission regarding the revocation or amendment of a conditional use permit

COTTONWOOD HEIGHTS
CODE OF ORDINANCES

may appeal such decision to the board of adjustment, whose decision shall be final. Any decision of the board of adjustment concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the board of adjustment's decision.

Michael Black

From: Chanté McCoy [chante_m@hotmail.com]
Sent: Friday, December 21, 2007 10:20 AM
To: Michael Black; Liane Stillman; Kelvyn Cullimore; Bruce Jones
Subject: Wasatch Office Complex

While I've already voiced some of my concerns at a previous City Council meeting, I wish to reiterate my apprehension about the increased traffic and safety problems that will result from the placement of the proposed Wasatch Office Complex.

I access the neighborhood where Prospector Dr. meets Wasatch Blvd. Making a left-hand turn onto Prospector is already a hazardous venture. Just a few days, I was almost broad-sided because I misjudged the speed of a vehicle that had just crested the hill. Obviously, this situation will only get worse with the increased traffic.

I also share the other concerns about the wisdom of building along fault lines, in a sensitive area, in an area originally zoned residential (with zoning changed under questionable circumstances), etc.

Please don't let moneyed interests outweigh legitimate concerns that affect all of us.

Sincerely,

Chanté McCoy
7815 Prospector Dr.
Salt Lake City, UT 84121

Michael Black

From: Cy Schmidt [cy@utah-inter.net]
Sent: Saturday, December 29, 2007 11:49 AM
To: Michael Black; Kelyvn Cullimore
Cc: Liane Stillman; rmgoodtt@msn.com
Subject: Office Building

Planning Commission,

Let me voice my opinion that we do not want the proposed office complex that is being debated. With the environment on the fore front of news and attention, why are we participating in this kind of urban sprawl?? Can we get it past the committees? Yes. Can permits be issued? Yes. But when our mountains are covered with steel and concrete we can not reclaim them. Once you have choked the streets with traffic and people have learned to leave 15 minutes earlier for their appointments, you can sit back and say, 'see not so bad!'. But we will all have lost a little of our life style, and we keep loosing it. There is ALWAYS another option when faced with a decision that effects so many negatively.

We elected to have our own government. At great cost to us. We did it so those of us who love this area will protect it. Please listen to those who oppose this project.

Thank you for your concern,

Cy and Kathy Schmidt

Michael Black

From: Ecirpbob@aol.com

Sent: Tuesday, January 01, 2008 10:43 PM

To: Michael Black; Liane Stillman; Kelvyn Cullimore; Bruce Jones

Cc: "cc:rmgoodtt"@msn.com

Subject: Wasatch Blvd.Office-is a DeathTrap - for Lease's &residents of neighboring homes

What with 125 cars parking at these proposed 3 bldgs., we can perceive that at least coming to work these workers will make a left hand turn on to the Brighton Canyon road, turning right onto Prospector Drive, up to take a right turn onto Honey Wood Cove west to Wasatch Blvd, right on Wasatch enabling them to make a right turn into the Office Complex. It makes sense because after 22 years of making left turns off of Wasatch onto Prospector Drive I can tell you that you are taking your life in your hands because the north bound autos, for some reason drift into the left hand turn lane, veering directly into your left turn lane. Wasatch Blvd is already too loaded with cars throughout the day and the intersection at Fort Union (70th So.) and Wasatch Blvd. is one of the highest corners for accidents, records will show. How many deaths and injuries do there have to be before the Cities and County, recognize this danger. We built our homes in this area understanding that it was zoned residential. The only reason that the County was able to rezone this piece of land is because the HOME OWNERS were not advised by law as they should have been, we know this because we own the lot across Prospector Drive the lot just North of the last Twin Home coming South and East up the Mountain, as well as the home 7656 Quicksilver Drive which also is well within the required distance from the property being rezoned. If some property owners received notice and we did not we could understand that our notice went astray. But NO ONE received notices. There must have been a skunk in the wood pile, that made sure we were not notified!!!

This piece of land is riddled with faults, these buildings show on the latest project plan shows that the placement of each of these three buildings are very near the required setbacks from the fault lines and the Building #3 impinges on the required setback.

Our new City of Cottonwood Heights Mayor and the City Council should be making a stand for all of the many Property Owners which have always paid taxes for years, which now pay into Cottonwood Heights City why aren't you all protecting us from this invasion of Commercial Bldgs? We Home Owners have always felt that some of the Salt Lake County Commissioners have been on the take, and you know who we mean. We feel that our Rights are continuing to be violated. Surely all of the many Homeowners taxes add up to much more than three more Commercial Bldgs, many of which in our City, remain empty. We deserve your loyalty.

Sincerely,

Robert N. Price
Joan H. Price

See AOL's [top rated recipes](#) and [easy ways to stay in shape](#) for winter.

Michael Black

From: Gary Millet [gmillet@gulfcoastfarms.com]
Sent: Wednesday, December 26, 2007 5:25 PM
To: Michael Black
Cc: Kelvyn Cullimore; Liane Stillman; Bruce Jones; rmgoodtt@msn.com
Subject: Property Owner and Tax Payer Objection to the Office Building on Wasatch Blvd.at 7600 South

THIS IS A RESEND AND I JUST WANTED TO ADD A REQUEST TO FORWARD THIS EMAIL TO THE PLANNING COMMISSION

Mike,

I have attended several meetings at the City concerning the project proposed for 42,000 square feet of office building on Wasatch Blvd, in clearly a residential neighborhood. I have listened how the rezoning was caused by Salt Lake County (God's knows who did what for who there), and we as a city was left with the rezoning of a residential piece of property to a commercial property and now we are faced with a VERY unpopular project that is rife with geological and safety issues with the on-going use of 125 parking stalls attached to the project. As I understand, this went from 8 single dwelling houses with maybe 16 cars, with in frequent usage to potentially 125 cars of high frequency use. This doesn't pass "The Prudent Man Theory," where is a 100 people were given the facts and circumstances of situation, the vast majority would come up with the answer that this project has disaster written all over it...

Everyone I talk to at the city, including the mayor, say they object to the project, but no one refuses to reject it. Is the city just afraid of a lawsuit? What I envision is a massive auto accident at the entrance or exit to the project and the City gets sued over that one, with hundreds of people the defense can bring into court that would state that everyone warned against the project. I can also envision, folks like myself who will track the traffic going through my neighborhood and coupled with other who feel as I do, consider a suit for endangerment and loss of value (can't imagine what would happen if a child gets hit by the increased traffic flow through the neighborhood).

There are hundreds of great reasons to reject the project, and each of those reasons have a personal name, those reasons live in the neighborhood, those reasons pay taxes to the City, and those reasons all call Cottonwood Heights our home. I can only think on one good reason to approve the project and that reason is simply fulfilling the greed of the developer who happened to get Salt Lake County to rezone a residential area to a commercial area in which none of us got notice or were heard prior to it going into effect.

If it isn't already obvious, I want you, the major, the head of the city council to understand how much I personally object to this project and hope the City will move to the right thing for its residents.

Thank you,

Gary Millet, Cottonwood Heights resident

Gary Millet
Principal

Gulf Coast Farms

7810 South Prospector Drive
Salt Lake City, UT 84121
801.244.8610 CELL
801.943.7342 OFFICE
801.943.6914 FAX

Note: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

1/2/2008

Michael Black

From: Herb Lloyd [hwllloyd@earthlink.net]
Sent: Tuesday, January 01, 2008 9:21 AM
To: Michael Black
Cc: Bob Good; Bruce Jones; Liane Stillman; Kelvyn Cullimore
Subject: Proposed Office Complex on Wasatch

I am concerned about the proposed office complex on Wasatch Blvd

You have heard all these concerns

The property sits on the Wasatch Fault

Traffic is very heavy on Wasatch Blvd in this area. Cars leave the light on Bengal Blvd and head North downhill often exceeding the speed limit. It will prove difficult for South bound cars to make a left turn across two lanes of traffic to enter this property.

How will this construction affect the homes above this property?

Sincerely,

Herbert Lloyd

3860 Prospector Dr
Salt Lake City, UT 84121

hwllloyd@earthlink.net

Michael Black

From: judith davis [jj_davis1@yahoo.com]
Sent: Saturday, December 29, 2007 3:18 PM
To: Michael Black
Cc: Kelvyn Cullimore; Liane Stillman; Bruce Jones; rmgood@msn.com
Subject: office complex

We would like to add our voice to the ongoing discussion of the complex under consideration on Wasatch Blvd. between Bengal and Prospector. The problems are only too obvious - the fault line, the traffic on Wasatch especially during ski season, the access onto and off of Wasatch, the increased traffic through our quiet neighborhood due to missed turns, etc. Do you think Money Magazine will look at this congested area and consider our community one of the 100 best anymore? People always travel too fast along the boulevard, do you really think adding more cars and more people will help? As Wasatch Blvd has become the chosen commute for people living south of 9200 S., traffic has already reached capacity. Please rethink this. As homeowners living on Prospector, we are more than unhappy with this proposal. As our elected officials, you must help us.

John and Judy Davis
7843 Prospector Dr.
Cottonwood Heights, UT 84121

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Michael Black

From: Kenneth Paulson [kenpaulson@msn.com]
Sent: Sunday, December 30, 2007 10:25 PM
To: Michael Black
Cc: Bruce Jones; Kelvyn Cullimore; Liane Stillman
Subject: Wasatch Office Complex

Gentlemen, in light of the continued discussion on the geological suitability of the property in question as an appropriate site for the new proposed Wasatch Office Complex, please consider the concerns expressed below.

The Salt Lake Tribune has recently documented several Salt Lake Valley developments that have been poorly developed and as a result have left the Cities affected with the potential of large costs and possible legal action, to mitigate the developer's oversight. I am concerned that potential similar conditions could occur at the proposed Wasatch Office Complex. The area on which the complex is being built has been geologically surveyed several times and old as well as several new faults have been detected. The area appears to be unstable enough that it is warranting special study and consideration. Therefore, it is not unreasonable to require special conditions be attached to this development.

Unless Cottonwood Heights has the capability to approve all construction drawings, closely monitor all phases of construction, hire the necessary qualified oversight, and therefore implicitly assume responsibility for the proper design and adherence to this design throughout the entire construction period, it seems to me, to be prudent, that the City should protect its citizens from any adverse future financial impact. This might require the developer to provide some sort of financial assurance to the City that the development will not fail due to improper design and construction. A bond should be required of the developer to ensure that the City has some recourse should failures become apparent. The length of time and amount should be determined to protect against any occurrence for which the City might have to be called upon to "pick up the bill" including but not limited to the complete removal of the buildings and restoration of the property should the building be condemned due poor design or the owner chooses not to repair deficiencies to comply with existing building standards. The developer must not be able to organize an LLC that could be dissolved or declared bankrupt negating any effective recourse which the City might have through a bond. Certainly, considering the fact that deficiencies may not be immediately apparent, a 5-10 year bond is not out of the question.

Finally, in order to protect the future tenants from unknowingly renting space in a structure, approved by the City of Cottonwood Heights, that has been intentionally built on property through which known faults have been identified and that potential structural or other damage might occur that might result in the tenant not being able to occupy their leased space, it seems to me to be appropriate for the City to require the owner of the office complex to clearly identify this condition in any lease agreement and to further indicate that in the event deficiencies in the building or surrounding property (such as the parking lot) arise as a result of earth movements, that neither the tenant nor the owner will hold the City liable for any damages which might occur and that tenant's sole recourse rests with the owner.

Certainly, the above suggestions may be considered unusual, but the recent events with various developments in the valley leading to potential financial exposure and/or costly litigation for the respective cities, does indicate that cities should be taking steps prior to authorizing haphazard or risky developments in order to protect themselves from future unexpected liabilities. Cities should also ensure that possible future tenants of developed buildings, that have been approved

by the City which are built on known earthquake faults, are not unaware of the situation in which they may be entering.

Respectfully yours,

Kenneth A. Paulson
4060 E. Prospector Drive
Cottonwood Heights, UT 84121-4611

Michael Black

From: Robin Tracy [robin_tracy@msn.com]
Sent: Wednesday, December 26, 2007 8:48 AM
To: Michael Black; Liane Stillman; Kelvyn Cullimore; Bruce Jones
Cc: rmgoodtt@msn.com
Subject: Wasatch Office Complex

Michael, Liane, Kelvyn & Bruce,

I live in one of the homes which would back up to the proposed Wasatch Office Complex. I have met personally with the builder and understand the positive and negative impacts this project, if approved, would have on my family's home. **I am asking that you vote against the project for the following reasons:**

- 1) Cottonwood Heights, at only two years old, was voted a top 100 city. Obtaining and maintaining this type of honor is accomplished by careful city planning, which you have obviously shown so far. Please continue to build C.H.'s retail and office spaces without compromising the beautiful residential areas that make our city so livable.
- 2) Less than two miles down the road are the Old Mill offices- tremendous amounts of office space with more being added every day. There is no need to compromise a residential area when there is already so much office space so nearby.
- 3) The proposed building site is a migration path and permanent home to deer, quail, falcon, a golden eagle, snakes, squirrels and other wildlife. I've watched similar habitat areas being destroyed in the Old Mill area and hate to see our native wildlife further pushed back and/or destroyed.

I'm sure there is tremendous pressure on the commission to approve SOME sort of development for this tract of land. I ask you to resist that pressure and keep this land as green space. I strongly feel that the land, as it is, benefits C.H. and do not want to see it changed.

Sincerely,

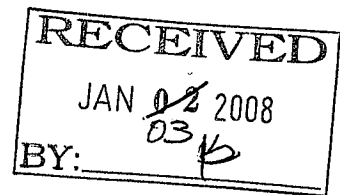
Robin Tracy
7811 Honeywood Cove Dr
CH, UT 84121
944-9523

Robin's Critters

1/3/08

Mr. Bob Good.

Dropped these papers
off for Michael Black
at 12:05 pm on



X Solond

Date: December 31, 2007

To: Cottonwood Heights Planning Commission
c/o Michael Black, Planning Director

Subject: Document Submission Regarding:
Wasatch Office Complex Proposal to be Heard
January 9, 2008 Planning Commission Meeting


Attached to this memo is a Geologic Review Report concerning the IGES review of the Western Geologic Report of December 3, 2007 conducted on the property at 7755 S. Wasatch Blvd. The attached report was prepared by David B. Simon, P.G., a Utah licensed geologic engineer and Principle Engineering Geologist at Simon - Bymaster, Inc.

In summary, we agree with the conclusions drawn by IGES in their review and memorandum dated December 27, 2007. We hereby submit to the Planning Commission a request that:

1. The Planning Commission require the developer to address *all* of the issues identified by IGES in their review and memorandum of December 27, 2007 and:
2. That IGES reviews the developer responses and study results identified in the IGES review and memorandum of December 27, 2007 prior to any Planning Commission recommendations regarding the proposed development.

In addition, the attached report from Mr. Simon contains an expert review of a number of County geologic documents and reports published in late 2004 just prior to Cottonwood Heights incorporation for Planning Commission perusal.

Respectfully submitted this 31st day of December, 2007 by:
Cottonwood Heights Concerned Citizens.


W. Robert Good, PhD
7730 S. Quicksilver Dr.

December 31, 2007

Mr. W. Robert Good
Mr. Thomas White
South Quicksilver Drive
Salt Lake City, Utah 84121

Subject: Geologic Review
Wasatch Office Complex
7755 South Wasatch Boulevard
Cottonwood Heights
SBI Project No. 2-07-372

Dear Mr. Good and Mr. White,

Per your request, SBI reviewed the following geologic documents for the subject project:

1. IGES review titled: Report reviews for proposed Wasatch Office Complex, Western Geologic report, December 3, 2007, Cottonwood Heights, UT. IGES's review was dated December 27, 2007 and prepared for Mr. Brad Gilson, Cottonwood Heights City.
2. IGES Memorandum dated December 27, 2007, subject: Wasatch Office additional comments. IGES memorandum prepared for Mr. Mike Black, Cottonwood Heights Planner.

SBI's prior letter dated October 31, 2007 presented the findings of our review of the City files, prior geologic studies, and IGES reviews for the subject project. The primary purpose of our review was to assess the adequacy of the various reports in regards to addressing surface fault rupture hazard potential at the property. Our October 31, 2007 letter discussed eight issues, which, in our opinion, had not been adequately resolved.

Comment 1 – IGES December 27, 2007 Letter

IGES is providing geologic consultation to Cottonwood Heights City and is performing the review of the geologic reports submitted for the project. Our opinion is the latest review by IGES (dated December 27, 2007) is thorough and complete. IGES has identified five items that should be addressed prior to final approval of the project. SBI

agrees with the IGES recommendations. SBI recommends that the Concerned Residents of Cottonwood Heights request the following prior to final approval of the project:

1. Cottonwood Heights City requires the applicant to address **all** of the issues identified by IGES.
2. IGES reviews the applicant responses to the issues identified in the IGES December 27, 2007 letter.

IGES's primary recommendations for condition of preliminary approval follow:

IGES has identified several deficiencies that still need to be addressed as conditions of preliminary approval prior to final approval. All of these items were highlighted in the text of the document. The major issues are summarized below. IGES recommends that as conditions of preliminary approval and prior to final approval the applicant must:

- 1) Submit final stamped letters/reports for all of the previous work used in defining the fault hazards to the City for review prior to final approval.
- 2) Submit the final fault setback map to the City for review to confirm the data previously reviewed by the City prior to final approval. This final setback map should use the survey data from AMEC (2004), Western Geologic (2006), and Western Geologic (2007) to locate trenches on the map and allow for accurate delineation of fault setback areas. A statement that all trenches used to delineate fault setback areas were surveyed by a licensed land surveyor should accompany the final fault setback map. This fault setback map should be a full size survey-grade site plan signed and stamped by both a licensed geologist and a licensed surveyor showing trench, fault, and proposed building locations and should be tied to section monuments with appropriate bearings and distances. No portions of proposed building footprints should be shown within any portion of the site designated on the fault setback map as within a setback area.
- 3) Excavate an additional trench in the area of Building 1 and Building 2 to a depth of 15 to 20 feet to confirm the findings of the AMEC (2004) and Western Geologic (2006 and 2007) reports in the proposed locations of these buildings prior to final approval. This trench would only need to be excavated east to west across the proposed buildable area to confirm the fault setbacks delineated by Western Geologic. These trenches could be excavated at the time the foundation excavations are excavated, however adverse findings could result in a need to redesign or relocate buildings 1 and 2 so IGES recommends that this trench be excavated earlier.
- 4) The slope stability data sheets and laboratory soil strength data sheets associated with the GSH report titled "Supplemental Discussions Slope Stability" and dated April 13, 2007 be provided to the City to include in the report file prior to final approval.
- 5) The fault setback map should include the design depths of footings for clarification purposes prior to final approval.

Comment 2 – Review of Salt Lake County File

Per your request, SBI reviewed the Salt Lake County file for the project. The following documents (attached) were of interest:

1. Salt Lake County Staff Recommendations, September 08, 2004.
2. Salt Lake County Staff Recommendations, December 02, 2004.
3. Salt Lake County Project/Planning Detail, December 21, 2004.
4. Salt Lake County Planning & Development Services letter dated December 27, 2004 regarding Salt Lake Application #21893, a request for conditional use approval of a 42,000 square foot Office development at 7755 South Wasatch Boulevard and 7722 South Prospector Drive.

Several issues were noted in the above referenced documents. We are uncertain whether the issues have been addressed by Cottonwood Heights, and in fact, some or all of these may have been addressed. However, in case that the issues have not been addressed, perhaps Cottonwood Heights may want to consider them.

1. Wetlands: The September 09, 2004, December 02, 2004, and December 27, 2004 letters all discuss the possible presence of wetlands on the property. Based on the December 27, 2004 letter, as of the date of the letter, Salt Lake County had yet to receive an evaluation from the U.S. Army Corps of Engineers.
2. High density development: The September 08, 2004 Salt Lake County letter states in Item 15 (p. 4):

"The geologist does not recommend high density development of this nature in this area due to the significant faulting issues. The site will be subjected to strong ground-shaking and there is a large hillside (fault scarp) behind the site. Office space would significantly increase the risk in terms of the number of persons subject to the various earthquake-related hazards at this site, including the slopes, underground water aqueduct, etc."

The technical aspects of the surface fault rupture and slope stability issues are, in our opinion, being addressed. However, decisions regarding the density of a project in an area containing significant surface fault rupture hazards is perhaps more political in nature and certainly worthy of consideration by the Planning Commission.

3. Development within a surface fault rupture zone of deformation: The December 27, 2004 Salt Lake County Planning & Development Services letter states (p. 6):

"As for natural hazard/life-safety/economic impact concerns not yet satisfactorily resolved with regards to the proposed development of this site, of primary concern are the potential presence and extent of secondary or subsidiary traces of the Wasatch fault within the boundaries of the property and the degree of definition and confidence that can be attributed to the resulting "zone of deformation" in terms of future development of the site."

"Darlene Batatian, county geologist, is very much concerned about splintered faulting on the site and the potential for fault connections in the relatively-shallow subsurface of the property. Plans for the placement and compaction of fill material on the site create additional uncertainty as to how these materials will effect the eventual dispersion of the land during a seismic event. Of further concern is the inadequacy of time considerations in readily-available data and event calculations for te [sic] Wasatch Front."

"Alternatively, Bill Gordon, geotechnical consultant for the project, has gone on record asserting that there is no information of secondary faulting on this site. In his opinion, review of available information on the past two earthquake events that effected the property show evidence of distinctive faulting only."

"Regardless of the exact nature of past fault activity on the site, the patterns of previous faulting strongly indicate that surface rupture from the next earthquake will render structures on the site useless. Of particular concern is the proposed location of Building #3. The currently proposed site development plan sandwiches Building #3 in between two clearly defined faults and is of such a size, relative to the separation between those two faults, as to not afford sufficient room for meaningful building setbacks."

"The other buildings are similarly situated between known and mapped fault locations on the property, but at least have sufficient land area for suitable building setbacks. Of relevant concern is that even if all proposed buildings were designed and constructed with maximum consideration for life safety, immediate emergency access would be difficult (and, in the case of Building #3, next to impossible) to provide during the next major seismic event as a result of the anticipated severity of vertical offsets at the surface of the property."

"Accordingly, Ms. Batatian is concerned that the 42,000 square feet of office space now proposed for this site represents an intensity of development significantly in excess of what is appropriate for a site so constrained by natural hazards. On the basis of these concerns peer review by other qualified geologists has been requested. In addition, Darlene, at our December 17th meeting, agreed to meet further with Bill Gordon to attempt to resolve these and other unanswered concerns."

"The first such meeting took place on December 22, 2004 in this Office. In addition to yourself, Bill Bang, your partner with Utah Property Development, Inc., together with Kevin Taylor and Charles Kanopa of the consulting firm of Larson and Malmquist, project engineers, were in attendance. Also present was Jeff Daugherty, Salt Lake County Planning and Development Services Director, and myself, Senior Planner. While considerable technical discussion occurred, the only conclusive position arrived at was that you were unwillingly to agree to the elimination of Building #3 for economic reasons. On a more tentative basis, Bill Gordon suggested the feasibility of a structurally-engineered "floating floor structure" for Building #3, whereupon Darlene continued to recommend the elimination of that building and the incorporation of "floating floor" designs into Buildings #1 and #2."

"Upon conclusion of the meeting it was agreed that Darlene Batatian and Bill Gordon would have whatever additional meetings might be warranted in the interest of trying to achieve a mutually-acceptable alternative development approach for the property. Review criterion not to be discounted in the analyses of site development proposals such as this are those embodied within the purposes and intent of Chapter 19.75: Natural Hazard Areas of the Salt Lake County Zoning Ordinance."

"Absent satisfactory resolution of natural hazard / life safety / economic impact concerns relating to the development of this site, or, in the alternative, significant modification of the site development plan for the property, the project as now proposed is recommended for denial by the county geologist."

The technical aspects of the "...potential presence and extent of secondary or subsidiary traces of the Wasatch fault within the boundaries of the property and the degree of definition and confidence that can be attributed to the resulting "zone of deformation" in terms of future development of the site," has, in our opinion, been addressed in the December 27, 2007 IGES Memorandum to Mr. Michael Black and the IGES review letter dated December 27, 2007.

However, decisions regarding "...resolution of natural hazard / life safety / economic impact concerns relating to the development of this site, or, in the alternative, significant modification of the site development plan for the property..." are perhaps more political in nature and certainly worthy of consideration by the Planning Commission.

Comment 3 - Statement of Clarification

Per your request, this comment is intended to address a statement in an email from Mr. Michael Black to Mr. Tom White; Mr. Black states:

"The last statement in the letter supplied to the City from the Geologist David Symon [sic] states that even he believes that new information about the faults would likely not affect the buildability [sic] of the site."

It appears the statement from our report: *"It is noteworthy that if additional studies are conducted, as warranted, it does not necessarily preclude development of the site"* is becoming more relevant and more important than intended.

The statement is, of course true; simply, the site *may* be suitable for development. What is *not* defined is the type of development. We did not intend to imply the site *may* be suitable for the *proposed* development; simply, the site may be suitable for development in general, perhaps residential, perhaps commercial, etc.

Closure

Comments and conclusions in this letter are based on data presented in the referenced reports. SBI accordingly provides no warranty that the data in the referenced reports are correct or accurate. SBI has not performed an independent site evaluation. There is no other warranty, either express or implied.

This letter was written for the exclusive use of Mr. W. Robert Good and Mr. Thomas White, representing Concerned Residents of Cottonwood Heights and only for the proposed project described herein. SBI is not responsible for technical interpretations by others of the information described or documented in this report.

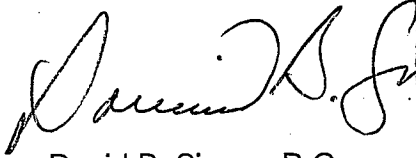
Geologic Review
Wasatch Office Complex
7755 South Wasatch Boulevard, Cottonwood Heights, Utah

SBI Project No. 2-07-372
December 31, 2007
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The opportunity to be of service on this project is appreciated. If you have any questions, please feel free to contact the undersigned or Bill Bymaster, Principal. The opportunity to be of service on this project is appreciated.

Very truly yours,

SBI



David B. Simon, P.G.
Principal Engineering Geologist

Dist: 2/addressee

Simon Bymaster Inc.

**Salt Lake County
Staff Recommendations
September 08, 2004**

STAFF RECOMMENDATIONS

Hearing Body:	Cottonwood Heights PC	Agenda Item:	3
Discussion Date:	September 8, 2004	File Number:	21893
Applicant:	Blaine Walker on behalf of Utah Property Development, Inc.		
Request:	Conditional Use Approval of 3 2-story Office Buildings		
Staff Rec:	Discussion Only		
Planner:	Spencer G. Sanders		
Community Council:	Cottonwood Heights		
Cover Sheet Prep. Date:	Wednesday, September 1, 2004		

BACKGROUND

Proposal

Blaine Walker on behalf of Utah Property Development, Inc. is Conditional Use Approval of an Office development on the subject property. The applicant is proposing to construct three 2-story office buildings on the subject property.

The subject property is located at 7755 South Wasatch Boulevard and 7722 South Prospector Drive. The area surrounding the subject property is zoned R-1-10 to the north, south and east and R-2-10 to the west. The subject property is zoned RM/zc. The RM/zc zoning was approved March 9, 2004 by the County Council under application 21290. The Zoning Conditions are as follows:

1. All uses are subject to conditional use approval and limited to:
 - a. office, business and/or professional
 - b. medical, optical and dental laboratories
 - c. public and quasi-public uses
2. Height of buildings limited to two stories and 35 feet from lowest original grade to the mid point of the roof.
3. Total building square footage limited to 50,000 gross square feet.

The subject property is surrounded mostly by single family dwellings to the north and east. To the west are single family and two-family dwellings. To the south is a PUD of two-family dwellings. The property fronts onto Wasatch Boulevard and Prospector Drive. The applicant is only proposing access off of Wasatch Boulevard.

PLANNING COMMISSION ACTION

This item is for **DISCUSSION ONLY**; no decision will be made at this meeting. A Discussion Item is usually the first time an application has been before the Planning Commission. The intent is to identify for the applicant, issues and concerns from the public, the Planning Commission and the Community Council. Shortly after completion of your meeting, staff will provide a letter to the applicant outlining the issues raised at both the pre-application meeting with staff and the Planning Commission hearing.

COMMUNITY COUNCIL RECOMMENDATIONS

The Cottonwood Heights Community Council has not yet responded to this application. Staff will make every effort to obtain the Community Council's recommendation prior to the Planning Commission's Final Decision Hearing.

NEIGHBORHOOD RESPONSE

Attached are several e-mails received as of the writing of this report. They are proved for your information. They are from surrounding neighbors to the subject property. They are all opposed to the project. They feel that office development is inappropriate in this location adjacent to residential development.

STAFF ISSUES

At a pre-application meeting was held with the applicant and staff on August, 2004, staff identified issues with the applicant's initial submittal. They are provided here for the Commission's and the applicant's information. The applicant may have revised the plans prior to the Planning Commission meeting; however, these comments are based on the original plans submitted. Additional comments or issues may arise upon full review of a complete application.

Planning Issues

1. FCOZ Conditional Use - The subject property is still located within the Foothills and Canyons Overlay Zone (FCOZ). Therefore, this application will need to be converted to an FCOZ Conditional Use application and comply with FCOZ requirements. This includes, but is not limited to limits of disturbance, revegetation, preservation of significant vegetation, etc.
2. Access - The applicant will need to obtain approval from UDOT on access to the property.
3. Parking and Uses - The applicant will need to provide parking calculations for the project. Office space is calculated at 1 space for each 200 square feet of floor area for Business and Professional Office, but 6 spaces per practitioner for medical and dental related offices. Common areas are removed from the total. In addition, if there are no floor plans of the buildings for specific offices, the calculations is based on 80% of the net floor area. It will be important for the applicant to understand that if the project is approved and a medical or dental office proposes to locate within the building, a review of the parking will be necessary to make sure that there is sufficient parking available on site for all the development, since medical related office require a different parking calculation.

Wetlands - There appear to be some wetlands on the subject property. The applicant will need an evaluation from the Army Corp of Engineers. If there are wetlands on the property, they will need to follow the Corp's requirements for mitigation. If possible, if the wetlands must be preserved, the applicant will have to design a project around them in accordance with the Corps regulations.

Landscape Plan - A detailed Landscape Plan will be required to be submitted for review and approval of the project. The steep slopes should be taken into consideration. The standards for such a plan are as follows:

- a. A 25-foot minimum landscape setback is required.
- b. A minimum of 1 tree for each 25 feet of frontage is required.
- c. A minimum of 1.25 trees per 1,000 square feet of building (main floor) shall also be planted on the site.
- d. A minimum of 1 shrub per 6 lineal feet for building square feet shall be planted on site.
- e. A minimum of 5% of the parking area shall be landscaped.
- f. The landscape plan will need to show how the above items are complied with.
- g. The plan must have a plant list table that includes the following:
 - i. Common Name
 - ii. Botanical Name
 - iii. Quantity to be planted
 - iv. Size at time of planting.
 - Estimated Size at maturity.

File # 21883 - Conditional Use Approval an Office Development

Planning Commission Discussion Date: September 8, 2004

Date of Preparation: September 1, 2004

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- vi. Deciduous or Evergreen.
- h. The plan will need to provide notes regarding irrigation of all landscaped areas.
- i. The minimum size of plant materials are as follows
 - l. Trees
 - (1) Deciduous - 1.5" Caliper measured at chest height above root ball.
 - (2) Evergreen - 4-6 foot height above root ball.
 - (3) Shrubs - Deciduous and evergreen - 5 gallon minimum.
 - j. All plant materials should be mixed at 50% evergreen and 50% deciduous.
 - k. As part of the Landscape Plan a revegetation plan will be required.
- 6. Lighting Plan - A lighting plan will need to be submitted that indicates the following:
 - a. Location of lighting on the exterior of the building
 - b. Light fixtures proposed (Detail). These should be cut-light type fixtures in order to avoid extensive lighting leaving the site.
 - c. Light poles (Detail). Location and maximum height 18 feet.
 - d. A photometric Analysis.
- 7. Architecture - The applicant will need to submit architectural elevations that indicated exterior colors and materials of siding, trim, roofing, windows, etc. A colored sample board of these materials will also need to be submitted. If the project is within FCOZ, colors and materials will be limited to earth tones and natural materials that blend in with the Foothills and Canyons environment.
- 8. Fencing - A fencing plan will be needed that indicated the location, height, color and materials of proposed fencing. Normally, an office use is required to install a solid visual barrier fence along property lines adjacent to residential development. However, since this property is located within a significantly sloped area, Staff would recommend that fencing not be installed on steep slopes. Areas where it makes sense are where the fencing would actually help visually screen the project from adjacent residential without being highly visible on steep slopes. Very little fencing will probably be needed, possibly only along the southern property line for a short distance, adjacent to the existing two-family dwelling just south of the subject property.
- 9. Trails - Check with County Park and Recreation on possible trails or bike trails adjacent to or through the subject property.
- 10. Heating and Cooling Equipment - Staff will need to understand the location and type of heating and cooling equipment for the buildings. Anything on the exterior of the building will need to be screened from visibility and to make sure that noise from the equipment does not exceed County Noise regulations. Staff would suggest that this can be best accomplished by locating the equipment on the ground rather than on the roofs. The adjacent residents live up-slope from the project and look down on the project. Roof mounted equipment would put that equipment closer to the residents.

Geology

- 11. A fault study report is required. The Wasatch Fault runs through this property.
- 12. A geotechnical engineering report is required, including a liquefaction analysis.
- 13. Show faults and required setbacks from faults by the geotechnical engineer on the site plan.

14. The ordinance prohibits construction in the sloped areas of the property due to the geological issues.
15. The Geologist does not recommend high density development of this nature in this area due to the significant faulting issues. The site will be subjected to strong ground-shaking and there is a large hillside (fault scarp) behind the site. Office space would significantly increase the risk in terms of the number of persons subject to the various earthquake-related hazards at this site, including the slopes, underground water aqueduct, etc.
16. The Geologist would recommend a land trade with the applicant in order to remove this property from development potential.

Grading

17. A certified slope analysis with 2' contours will be required.
18. A geotechnical report will be required.
19. A site grading and drainage plan will be required.
20. Toe of Slope setbacks as per the International Building Code or the recommendations of the Geotechnical Report, will be absolutely enforced, whichever is most restrictive.

Health Department

21. The applicant will need to provide water and sewer availability letters to the Health Department from the applicable agencies.

Fire Department

22. A flow study for the water supply in the area will be required.
23. Inside turning radii must be a minimum 28 feet.
24. A Fire Department approved turn-around will be required near the south building.
25. Several hydrants will be required. The locations will be determined by the Fire Department.

Urban Hydrology

26. Hydrology will need to comply with Salt Lake County requirements. A checklist was submitted to the applicant at the Pre-application meeting with staff.
27. There is existing drainage on Wasatch Boulevard by the light at the intersection of Bengal and Wasatch Boulevards.
All drainage must be directed into an approved storm drain system.
28. Storm drain improvements in Wasatch Boulevard will have to be approved by UDOT.
29. There is an existing drainage pipe coming out of the Prospector subdivision which drains into the subject property. This must be addressed with the proposed project.
30. No sumps will be allowed.
31. There is a possible wetlands on the site. Army Corp of Engineer Approval will be required.
32. Bonding for all drainage improvements will be required. Final Engineering review fees will be based on the Final Bond amount.

File # 21893 - Conditional Use Approval an Office Development

Planning Commission Discussion Date: September 8, 2004

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Transportation

34. A traffic study will be required. The study being prepared for UDOT may be adequate, however, additional information may be required for County review and approval.
35. Parking isle must be a minimum of 24 feet wide. There are some parking stalls that do not comply with this requirement, especially where stalls are not parallel across the isle from one another/

Simon Bymaster Inc.

**Salt Lake County
Staff Recommendations
December 02, 2004**

STAFF RECOMMENDATIONS

Hearing Body:	Cottonwood Heights PC	Agenda Item:	2
Hearing Date:	December 2, 2004 Continued from November 10, 2004	File Number:	21893
Applicant:	Blaine Walker on behalf of Utah Property Development, Inc.		
Request:	Conditional Use Approval of 3 2-story Office Buildings		
Staff Rec:	Continuance for a period of time not to exceed six months		
Planner:	Spencer G. Sanders		
Community Council:	Cottonwood Heights -- See Below		
Cover Sheet Prep. Date:	Friday, December 3, 2004		

BACKGROUND

Proposal

Blaine Walker on behalf of Utah Property Development, Inc. is requesting Conditional Use Approval of an Office development on the subject property. The applicant is proposing to construct three 2-story office buildings on the subject property.

The subject property is located at 7755 South Wasatch Boulevard and 7722 South Prospector Drive. The area surrounding the subject property is zoned R-1-10 to the north, south and east and R-2-10 to the west. The subject property is zoned RM/zc. The RM/zc zoning was approved March 9, 2004 by the County Council under application 21290. The Zoning Conditions are as follows:

1. All uses are subject to conditional use approval and limited to:
 - a. office, business and/or professional
 - b. medical, optical and dental laboratories
 - c. public and quasi-public uses
2. Height of buildings limited to two stories and 35 feet from lowest original grade to the mid point of the roof.
3. Total building square footage limited to 50,000 gross square feet.

The subject property is surrounded mostly by single family dwellings to the north and east. To the west are single family and two-family dwellings. To the south is a PUD of two-family dwellings. The property fronts onto Wasatch Boulevard and Prospector Drive. The applicant is only proposing access off of Wasatch Boulevard.

PLANNING COMMISSION ACTION

This item is on the Commission's agenda for **DECISION**.

September 8, 2004 -- The Commission heard this item for Discussion Only. At that meeting the Commission raised the following issues with the applicant:

1. Concurred with staff suggestions and recommendations.
2. Recommend extending sidewalk along Wasatch to Prospector Drive intersection.
3. Design site, grading and landscaping to hide parking areas.
4. Only provide the absolute minimum parking as required by parking requirements for proposed buildings.
5. Suggest elimination of left turns out of project. Suggest right-in/right-out only.
6. Recommend a pier review of the Geotechnical report once it is completed.

November 10, 2004 -- The item was scheduled for Decision. The Commission Continued the item for one month, to the Commission's December 8, 2004 meeting. This was done at the request of the Cottonwood Heights

File # 21893 - Conditional Use Approval an Office Development

Planning Commission Hearing Date: December 8, 2004

Date of Preparation: December 3, 2004

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Community Council and staff. The Cottonwood Heights Community Council indicated that the applicant arrived late to their meeting after concerned citizens who were in attendance had already left. Therefore, the Community Council did not further review the project and requested the continuance. Staff recommending that this application be continued for a minimum of one month, in order for the applicant to resolve a number of issues, most notably approval by the Utah Department of Transportation (UDOT) for access to the property from Wasatch Boulevard.

COMMUNITY COUNCIL RECOMMENDATIONS

The Cottonwood Heights Community Council as of this writing, has not provided the staff with a recommendation.

PROJECT STATUS

Cottonwood Heights City Incorporation

As you are aware, residents of Cottonwood Heights voted to incorporate into a city earlier this year. The intention was for the new city to take over jurisdiction of their area January 1, 2005. As a result, any project not fully completed by the end of 2004 would be forwarded to the new city for further review. It will be up to the new city to review the project under their ordinances and policies and ultimately approve or deny a proposal. However, there is reports that potentially documentation was not filed appropriately and there is a possibility that the Cottonwood Heights City will not actually take over jurisdiction until some time next year. Reports indicate that this would probably take place as early as March and as late as July. These reports have not been substantiated. Notwithstanding, if the reports are valid, the County would most likely have jurisdiction over projects that are already in process. If this is the case, then this application could potentially still be under jurisdiction of the County Cottonwood Heights Township Planning Commission after January 1, 2004. This could potentially give the applicant extra time to resolve the issues outlined in this report. If this is not the case, staff would probably recommend denial as proposed because there would not be sufficient time for the applicant to resolve all the issues prior to incorporation. Being that this may not be the case, staff is recommending another continuance. (See STAFF RECOMMENDATIONS BELOW).

UDOT Approval of Wasatch Boulevard Access

The applicant has indicated to staff that UDOT has denied the applicant's initial request for two accesses onto to Wasatch Boulevard indicating that they would not approve any access. The applicant is appealing this determination through UDOT.

The applicant has indicated that UDOT is not willing to approve access from Wasatch Boulevard as long as there are other possible accesses. Specifically, this project does a but Prospector Drive, which UDOT considers at this point a possibility. The applicant is not proposing this access. In fact, the applicant is preparing information for UDOT to show why such an access to Prospector would be infeasible. They are approaching it from physical problems of slope, appropriate intersections, etc.

Staff is not supportive of access to Prospector Drive for this project. From a planning perspective, the road is too small for the size office project proposed. It is a residential street. It has residential homes fronting on the street directly across from where a potential access would be located. This access would create significant impacts to the residential neighborhood. This access would be directing all of the traffic from this site onto a residential street that does not immediately lead to a lighted intersection. The residents of the neighborhood already complain how difficult it is to get out onto Wasatch from Prospector. If the access were put in, traffic would most likely back up, encouraging drivers to find alternative routes through the subdivision. From an engineering perspective, it appears that there would be many difficulties to designing such an access. Slope of the access; slope of the approach at the intersections; an appropriate angle at the intersection; site distance; waivers, exceptions; and variances for a number of ordinances; costs – these are all significant potential problems for such an access.

Staff is recommending that the Planning Commission make a motion regarding potential access onto Prospector. This will give additional support to the applicant's appeal for access onto Wasatch and eliminate the possibility of access onto Prospector Drive.

Outstanding Issues – The following are the outstanding issues that prevent staff from recommending approval at this time.

1. Planning – Spencer G. Sanders

a. FCOZ

- i. Potential disturbance of slopes greater than 30% – may require waivers or possible variances.
- ii. Buildings and excavation appear to be encroaching into 30% slopes which are required to be preserved and not disturbed.
- iii. A revegetation plan of all disturbed areas is required to be submitted for review and approval.
- iv. Limits of Disturbance needs to be shown on all plans.
- v. Provide an existing vegetation plan showing trees 6" caliper or larger and large stands of scrub oak

b. Access

- i. Wasatch Boulevard – Need UDOT approval of access to determined final planning issues.
- ii. Prospector Drive
 - (1) Not proposed by applicant, however, as long as it is a possibility, UDOT will not approve access to Wasatch.
 - (2) Need Planning Commission decision as regarding potential access to Prospector Drive.
 - (a) Planning Staff does not support due to residential road with homes not appropriate for office traffic.
 - (b) Access to Prospector not physically feasible due to steep slopes, potential angle of intersection, etc.

c. Public Improvements

- i. Sidewalk along Prospector
 - (1) Ordinance requires sidewalk. An exception needs to be obtained.
 - (2) Staff supports exception – sidewalk not feasible due to grades
- ii. Sidewalk along Wasatch
 - (1) Since sidewalk will also double as a bike path, the sidewalk needs to be a minimum 10 feet wide the entire length of the property along Wasatch according to Parks and Recreation. The applicant would like 2.5 feet of the sidewalk to be located within the required 25-foot front landscape area.

d. Building Height

- i. Building 1 may have problems with proposed parking garage. Zoning Condition restrict the building height to two stories. Insufficient information in what has been provided to determine if building one exceeds two stories. Full building elevations for all four buildings with existing and proposed grades showing as well as elevation information

needs to be submitted for evaluation by staff. This is also necessary for grading review and FCOZ purposes.

e. Landscape

- i. Parking lot areas need to be screened in accordance with Development Standards. The applicant is proposing a rail fence and landscaping.
- ii. A detention pond in the front landscaping area is not conducive to appropriate screening.
- iii. There are potential concerns with planting trees in steep slope areas east of parking lot. Further information and evaluation of this is needed.
- iv. Landscape Quantities are satisfactory. However, planting plan must match quantities in plant list and must match other plans. Plans shows areas with equipment and plants in same location. This needs to be corrected.
- v. Plans will need to be modified based on what UDOT approves for access.

Fencing - Fence in front landscape area to screen cars needs a detail of what it will look like. Should match building architecture and should be shown on landscape plans.

- g. Possible Wetlands - Wetlands determination must be received the from Army Corp of Engineers.

- h. Lighting Plan - Lighting plan does not indicate height of poles. Should be no more than 18 feet.

2. Urban Hydrology - John Hill

- a. Plans are very incomplete with many corrections to be changed. I would encourage the designer to refer to the Urban Hydrology Checklist given at the pre-application meeting for requirements (See Attached).
- b. Received a Letter from PEPG Consulting Engineers concerning wet lands evaluation. Although I may agree with the contents of the letter, the last statement in the letter is the most important: "however, final approval of the jurisdictional status of wetlands is only made by the U.S. Army Corps of Engineers Regulatory office." This was stated to the developer at the pre-application meeting. St County Urban Hydrology will still need a letter from US Corps of Engineering determining any wetlands on this project.
- c. UDOT approval for storm drain pipe placement and connection on Wasatch Boulevard.

3. Grading - Greg Baptist

- a. The grading plans are to be reviewed by a qualified geotechnical engineer who shall submit a statement to the affect and compliance to the soils report prepared by AMEC.
- b. Need to show both existing and proposed grading including all proposed retaining walls or rock slopes.
- c. Need to submit erosion control plans for review and obtain a U.P.D.E.S. permit from the State of Utah.
- d. Need to address the setbacks and construction with in the toe of slope setbacks.
- e. Need to obtain a variance from the BOA to build on slopes in excess of thirty percent in the area of building # 3
- f. Need to obtain a variance from the BOA to grade on slopes steep then 30 percent

File # 21893 - Conditional Use Approval an Office Development

Planning Commission Hearing Date: December 8, 2004

Date of Preparation: December 3, 2004

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4. Geology – Darlene Batatian

- a. The faults and fault setbacks are not shown on the Grading Plans. The faults and fault setbacks should be shown on ALL Site Plans, Site Grading Plans, and other plans.
- b. Non-buildable/non-habitable areas should be hachured or otherwise clearly identified.
- c. Proposed topography is not shown on Sheets C-4 and the south end of C-5 (Site Grading Plans). Show all proposed grading including proposed contours.
- d. Show the 30% slope line on all plans.
- e. The slope analysis indicates that the proposed cut slope is into a FAULT SCARP SLOPE with steepness in excess of 30% and even in the 50%-80% range. (This is the proposed cut slope to the rear of the parking area on the northern end of the project.) THIS IS UNACCEPTABLE FOR THE FOLLOWING REASONS:
 - i. The slope is an oversteepend fault scarp slope, with homes above. Due to the vulnerability, the proposed cuts into this slope are not acceptable.
 - ii. In addition, AMECs Geotechnical Reports have all recommended a 20-ft minimum slope setback from the toe of the eastern slope.
 - iii. There has been no geotechnical information provided on the suitability of the proposed cuts.
- f. A slope stability investigation, including drilling and/or other geotechnical investigations would have to be required, but I am not recommending proceeding with this because I am opposed to the remainder of the development, See Item 4.
- g. Given that the site is in FCOZ the planned slope cuts into slopes in excess of 30% are not permitted. This includes the slopes to the rear of buildings. 1, 2, 3 and the north parking area. ✓
- h. Show the 30% slope on all plans and provide a site grading plan that does not disturb slopes steeper than 30%. ✓

5. Traffic – Jena Walker

- a. I will review the final plans after UDOT approval is received. Addendum to TIS may be required.

6. Development Services Engineer - Dana Christensen

- a. Need complete street cross section detail from centerline (Wasatch Blvd).
- b. Drive approaches at each entrance to property should be constructed as per County Standards. Wide radius curves (as shown) not recommended. ADA curb access ramps would then need to be constructed at every approach.
- c. UDOT approval required. Signed and stamped plan/profile copy by Alan.
- d. Street Dedication required. Larsen & Malmquist Engineer/surveyor to prepare metes and bounds description and e-mail in MS Word doc format to Dana.

STAFF RECOMMENDATIONS

Staff is recommending two things:

The Commission make a motion confirming that the Commission would not consider access onto Prospector Drive with this proposal.

File # 21893 - Conditional Use Approval an Office Development

Planning Commission Hearing Date: December 8, 2004

Date of Preparation: December 3, 2004

Page 6 of 6

2. **The Commission make a motion to continue this application for a period of time not to exceed six months.** If the subject property is incorporated into the New Cottonwood Heights City prior to Final Approval, then the application would be denied as proposed. If the applicant is able to resolve all the aforementioned issues, and there is still time to place this project on an Agenda with the Planning Commission, the staff will place the item on the Commission's Agenda and send notice to the surrounding property owners of the Hearing. If the subject property is not incorporated within the next six months, but the applicant has not resolved all the issues, staff will also place the item on the Commission Agenda for action. Staff does not want to continue to this item to next month specifically because the issues may take longer to resolve.

Simon Bymaster Inc.

**Salt Lake County
Project/Planning Review Detail
December 21, 2004**

SL Co Planning & Development Services

2001 S State St. #N3600
Salt Lake City, UT 84190-4050
(801)468-2000 Fax (801)468-2169

Project/Planning Review Detail

Report Date 12/21/2004 11:26 AM

Submitted By Darlene Batatian, Co. Geologist

Page 1

Act# 160952 A/P # 21893 Act Type GEOLOGY GEOLOGIST REVIEW

Property Information

Address 7755 S WASATCH BLVD
SALT LAKE CITY UT 84121-0000

Location 3505 E 3 OFFICE BUILDINGS

Application Information

Type COND USE CONDITIONAL USE APPLICATION Priority PAR
Size/Area 0.00 Size Description
Declared Valuation 0.00 Project/Phase Name OFFICE - UTAH PROP DEV, INC.
Type of Work Dept of Commerce
Desc. of Project 3 Office Buildings

September 8, 2004 - CHPC Discussion Hearing

November 10, 2004 - CHPC Decision Hearing Continued at request of Staff and Community Council.

Initial Review

Issued Date/Time 08/16/2004 16:37

Issued By SGS

☒ System Generated

Scheduled Date/Time

Scheduled By

☐ Waived

Department

Assigned To LDB

Review Results

Reviewed By LDB

☒ Denied

Suspense Date 09/06/2004

Start Date/Time 10/15/2004 13:24

Completed Date/Time 10/26/2004 14:42

Actual Time 0.00

Comments

No Comments

Problems

Violation 01 Description
Recorded Date 10/26/2004 00:00 Recorded By LDB Recorded Version
Resolved Date Resolved By Resolved Version
Comments The faults and fault setbacks are not shown on the Grading Plans.

The faults and fault setbacks should be shown on ALL Site Plans, Site Grading Plans, and other plans.

Non-buildable/non-habitable areas should be hachured or otherwise clearly identified.

Violation 02 Description
Recorded Date 10/26/2004 00:00 Recorded By LDB Recorded Version
Resolved Date Resolved By Resolved Version
Comments Proposed topography is not shown on Sheets C-4 and the south end of C-5 (Site Grading Plans).

Show all proposed grading including proposed contours.

Show the 30% slope line on all plans.

SL Co Planning & Development Services

2001 S State St. #N3600
Salt Lake City, UT 84190-4050
(801)468-2000 Fax (801)468-2169

Project/Planning Review Detail

Report Date 12/21/2004 11:26 AM

Submitted By Darlene Batatian, Co. Geologist

Page 2

Problems

Violation 03 Description
Recorded Date 10/26/2004 00:00 Recorded By LDB Recorded Version
Resolved Date Resolved By Resolved Version
Comments The slope analysis indicates that the proposed cut slope is into a FAULT SCARP SLOPE with steepness in excess of 30% and even in the 50%-80% range. (This is the proposed cut slope to the rear of the parking area on the northern end of the project.) THIS IS UNACCEPTABLE FOR THE FOLLOWING REASONS:

1) The slope is an oversteeped fault scarp slope, with homes above. Due to the vulnerability, the proposed cuts into this slope are not acceptable.

2) In addition, AMEC's Geotechnical Reports have all recommended a 20-ft minimum slope setback from the toe of the eastern slope.

3) There has been no geotechnical information provided on the suitability of the proposed cuts.

A slope stability investigation, including drilling and/or other geotechnical investigations would have to be required, but I am not recommending proceeding with this because I am opposed to the remainder of the development. See Item 4.

Violation 04 Description
Recorded Date 11/26/2004 00:00 Recorded By LDB Recorded Version
Resolved Date Resolved By Resolved Version
Comments Given that the site is in FCOZ the planned slope cuts into slopes in excess of 30% are not permitted. This includes the slopes to the rear of Bldgs. 1, 2, 3 and the north parking area.

Show the 30% slope on all plans and provide a site grading plan that does not disturb slopes steeper than 30%.

Violation 05 Description
Recorded Date 10/26/2004 00:00 Recorded By LDB Recorded Version
Resolved Date Resolved By Resolved Version
Comments I am opposed to this development and recommend denial.

This area is criss-crossed by faults and lies at the foot of 35-100-ft high fault scarps. It is an exceptionally high-risk piece of ground. In the event of an earthquake, this area would experience severe ground shaking, and pervasive ground rupture across the site.

During the last several earthquakes, AVERAGE displacement (offset, ground rupture) is about (6) six feet.

And, that is across EACH fault!

It is not suitable for high-occupancy development.

Wedging 42,000 sq ft of high-occupancy office space into an area in-between fault setbacks, and below a fault scarp, does not meet the spirit of Title 19.75, Geologic Hazards Ordinance.

The proposed high occupancy development would unnecessarily and unacceptably increase life safety and economic risks. This is simply poor land use planning in earthquake terrain.

I think that there are more appropriate developments for this site that would achieve better risk management.

SL Co Planning & Development Services

2001 S State St. #N3600
Salt Lake City, UT 84190-4050
(801)468-2000 Fax (801)468-2169

Project/Planning Review Detail

Report Date 12/21/2004 11:26 AM

Submitted By Darlene Batatian, Co. Geologist

Page 3

Problems

Violation	06	Description	
Recorded Date	12/21/2004 00:00	Recorded By	LDB
Resolved Date		Resolved By	
Comments	UPDATE 12/21/04 - Per mtg 12/16/04 w/ Tom Schafer & applicants Bill Bang & Blaine Walker & Civil Engrs, I continue to recommend denial for this proposal.		

1) I interpret the proposed development as in violation of the intent of the Geologic Hazards Ordinance, which is to limit or prohibit development in the zone of deformation of the Wasatch fault, to limit life safety and economic losses.

Given my extensive experience in the geometry & kinematics of normal faults, which was one of the subjects of my MS thesis; and which I have built on in 6 years of reviewing fault trenches in the SL valley, the faults that splinter this site connect in the shallow subsurface.

The entire site is within the zone of deformation. It would be very difficult to predict where new faults would propagate between the existing faults in soft soils. The previous patterns of faulting at the site indicates that surface rupture from an earthquake would render these buildings useless. Even if they were protective of life safety, they could not be accessed due to excessive vertical offsets at the surface.

Wise land use planning precludes new developments of this type; emergency responders and insurance companies have plenty on their plates with existing older structures. I suggest another use for this site that minimizes the risk exposure for all involved.

2) I will discuss my concerns w/ Bill Gordon (AMEC) & their geologist.

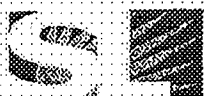
3) I will coordinate a peer review w/ outside jurisdictions.

Activity Review Details

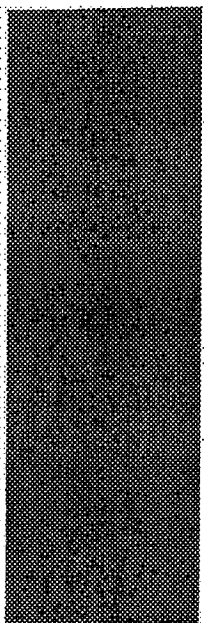
No Activity Review Details

Simon Bymaster Inc.

**Salt Lake County Planning & Development Services Letter
December 27, 2004**



SALT LAKE
COUNTY



NANCY WORKMAN
Salt Lake County Mayor

Planning & Development
Services

F. David Stanley
Public Works Department Director
fstanley@co.slc.ut.us

Jeff Daugherty
Planning & Development Services
Division Director
jdaugherty@co.slc.ut.us

Salt Lake County
Government Center
2801 South State Street
Suite N3600
Salt Lake City, Utah 84199-4950

801 / 468-2060
801 / 468-2169

COPY

Mr. Blaine Walker
Utah Property Development, Inc.
6629 South 1300 East
Salt Lake City, Utah 84121

December 27, 2004

re: Salt Lake County Application # 21893
a request for conditional use approval of a 42,000 square foot
Office development at 7755 South Wasatch Boulevard and 7722
South Prospector Drive.

Dear Blaine:

The purpose of this correspondence is to document our discussion of Friday, December 17, 2004 regarding the above-referenced office development proposal on Wasatch Boulevard. The following is an overview of issues and concerns highlighted at that meeting. As appropriate, updates are provided to reflect materials provided since that time, as well as to document our subsequent meeting of December 22, 2004 to more specifically address geologic concerns.

1. Access from Wasatch Boulevard
The Utah Department of Transportation originally denied proposed access to this development via Wasatch Boulevard. That denial was appealed and heard by UDOT on Tuesday, December 21, 2004. Documentation of UDOT's conclusions after the appeal hearing have yet to be received.

As was discussed at the December 17th meeting in our office, alternative site access from the north via Prospector Drive poses the following problems:

- a. traffic from a non-residential use would be funneled through a residential neighborhood;
- b. the width of Prospector Drive is now too narrow to accommodate additional traffic, and widening that roadway would degrade its residential character for those whose homes now front on it;
- c. the topography of the subject property is such that it presents slope and sight distance constraints for an access way from the north. Access via Prospector Drive would, as a result, be difficult to provide in accordance with current county roadway improvement standards, inevitably resulting in a need to request waivers and exceptions that would require additional hearings to secure.

Access from the south via Honeywood Cove Drive is similarly problematic due to the presence of an existing structure in the alignment of where such an access would have to be provided.

2. Compliance with Foothills and Canyons Overlay Zone standards

- A. While previously-disturbed portions of the site with slopes greater than 30% may be developed without violating the slope protection standards of the county's Foothills and Canyons Overlay Zone (see Section 19.72.030 B; Salt Lake County Zoning Ordinance), those ***undisturbed portions of the site with slopes in excess of 30% must remain undisturbed*** unless a waiver of slope protection standards for lots of record has been granted by the Planning Commission in accordance with the procedures and standards of Section 19.72.060 B.1. of that ordinance.

Review of the most recent version of the proposed site development plan (that received by this Office on December 7, 2004) ***shows unauthorized development encroachment into previously-undisturbed portions of the site with slopes greater than 30%.*** To date, there is no indication that previous Planning Commission consideration of this project included a request for a slope protection waiver.

One of two things must happen to rectify this situation:

1. ***the site development plan must be modified such that there are no encroachments into previously-undisturbed portions of the site with slopes greater than 30%, or***
2. ***the request for Planning Commission review and approval of the project as a whole must be amended to specifically include consideration of a waiver of slope protection standards for a lot of record (which assumes that the subject property is a legally-established lot created prior to August 15, 1997) in accordance with the procedures and standards of Section 19.72.060 B.1. of the Foothills and Canyons Overlay Zone.***

- B. Section 19.72.040 A of the Foothills and Canyons Overlay Zone requires " . . . the establishment of "limits of disturbance" indicating the specific areas of a proposed development site within which construction and development activities are to be contained . . . ". While the maximum limits of disturbance for a non-residential development such as this may be determined on a case-by-case basis, it is nonetheless required that those limits be established in accordance with the standards set forth in Section 19.72.040 B of the zoning ordinance and graphically depicted on the submitted site development plan.

The current version of that plan now reflects the limits of disturbance for proposed site improvements. Via e-mail received by this Office on December 21, 2004, the land area contained within those limits of disturbance is 3.469 acres (out of a total of 5.12 acres of land on site).

- C. Although not previously submitted, a Landscape Plan has since been prepared and was received by this Office on December 9, 2004. *While the plan shows proposed site landscape improvements, further amendment is needed to reflect existing trees on the site greater in size than 6 inch caliper, as well as existing stands of scrub oak that are to be retained.*

3. Public Improvements

- A. Previous concerns about the extension of bike path improvements along Wasatch Boulevard in conjunction with the development of this site have been satisfactorily addressed and are now reflected on the December 7, 2004 site plan. Don Davis of County Parks and Recreation and the firm of Carter Burgess, consultants on plans for the Wasatch Bikeway, were cited as parties with whom said improvements have been coordinated.

- B. A sidewalk is required along Prospector Drive adjacent to the subject property. While it has been indicated that site grades warrant the granting of an Exception from such improvement requirements, an Exception request has not been submitted. *If such a request is in fact to be entertained, the request for Planning Commission review and approval of the project as a whole must be amended to specifically include a request for an Exception from sidewalk improvement requirements per Section 14.12.150 of the Salt Lake County Code of Ordinances. Such a request requires review and recommendations from the public works engineer and the Planning Commission and final approval by the Mayor.*

4. Building Height

The subject property is now situated in an RM / ZC zone. One of the zoning conditions applied to the property at the time of its reclassification was a limit on building heights to "... two stories and 35 feet from lowest original grade to the mid-point of the roof ...".

Building #1 sits atop an underground parking facility. The information provided as of the date of our meeting was insufficient to confirm that the two story / 35 feet building height limitation has been adhered to. Since that time our office has received the information necessary to make this determination. *Upon review, our grading specialist has determined that Building #1 complies with the applicable two story / 35 feet building height limitation.*

5. Landscaping

A site Landscape Plan was received by this Office on December 9, 2004. The following addresses previously-identified concerns regarding site landscaping and the screening of parked vehicles from the view of motorists both north and southbound on Wasatch Boulevard:

Concerns about the feasibility of supporting proposed trees on the steep slope areas east of the parking lot have been addressed through the inclusion of illustration C: Tree Planting on Slope on Sheet L3.90 of the Landscape Plan received by this Office on December 9, 2004. On-site tree installation and maintenance in accordance with these specifications satisfactorily address this previously-identified concern.

- B. A drainage detention pond originally was proposed in front of the northernmost parking area adjacent to Wasatch Boulevard. Placement of a pond in that area would have left cars parked on the property to the east of the pond highly visible from Wasatch Boulevard. In consultation with the county's urban hydrologist, the pond has been eliminated and replaced by a landscape area that will better facilitate the screening of parked cars in the lot.
- C. Parking lot screening is now proposed via a combination of earthen berms, progressive elevation changes, trees, shrubs, and a meandering split rail fence adjacent to Wasatch Boulevard. To increase the effectiveness of landscape improvements in this area, however, ***a substantial increase in the ratio of evergreen to deciduous trees and shrubs (approximately 50/50) will be necessary both along the Wasatch Boulevard frontage as well as along the northern edge of the proposed parking area.***

The southernmost portion of the parking area south of the proposed access way, while of equal elevation to that roadway, is partially screened by a berm varying in height from 2 to 3 feet above the road. ***Closer to the site access, however (primarily in front of the 5 or 6 northernmost parking stalls in this area), no berm is proposed. The parking lot in this area is approximately 3 feet above the elevation of the road, placing parked cars in these spaces at about eye level for passing motorists. Effective visual screening of parked cars in this area will require a substantial increase in landscape density and materials (plants, boulders, etc.). In addition, the landscape island at the northern extremity of this portion of the parking lot / southern edge of the access way will require supplemental visual screening, whether in the form of additional or more substantially-sized landscaping alone or in combination with an eastward extension of the split rail fence to parallel the access way to the edge of the island.***

As for the 25 foot wide park strip between Wasatch Boulevard and the off-street parking area north of the proposed site access, a progressively-increasing change in elevation of the parking area above the road, ranging from 2 feet higher at the southern edge of this area / northern border of the access way to a maximum height of 14 feet above the road at the parking area's northernmost extremity, is what is intended, together with live plant materials and the split rail fence, to adequately screen the parking area from the view of passing motorists. Wasatch Boulevard maintains a fairly consistent elevation of 5,092 feet above sea level adjacent to most of this area. The northernmost 600 feet of the parking area rises sufficiently to the north that southbound traffic on Wasatch

Boulevard should not be visually impacted by parked vehicles in that area as now proposed. Approaching vehicles from the south, however, will have relatively unobstructed views of cars parked in the remainder of that parking area (from the northern border of the proposed access way on to Wasatch Boulevard up to the second landscape island from the access way on the western edge of the parking lot). *Effective visual screening of parked cars in this area will, as a result, require a substantial increase in landscape density and materials (plants, boulders, etc.). In addition, the landscape island at the northern border of the access way / southern extremity of this portion of the parking lot will require supplemental visual screening, whether in the form of additional or more substantially-sized landscaping alone or in combination with an eastward extension of the split rail fence to parallel the access way to the edge of the island. The same treatment will be necessary for the next two landscape islands northward, encompassing between the three islands referenced a total of 22 parking stalls.*

6. Urban Hydrology

Plans for Urban Hydrology review were received by this Office on December 8, 2004 and referred for review and comment to Steve Jensen, county flood control and wetlands coordinator and to Dana Christensen, public improvements storm drain coordinator. The U.S. Army Corps of Engineers' position regarding the presence or absence of regulated wetland areas on the property was also requested, as was the conclusive position of the Utah Department of Transportation on site access via Wasatch Boulevard since access location, if altered, would lead to a need for modification of site drainage as originally proposed.

As of December 15, 2004 John Hill, hydrologist for the county, had received no response from any of the aforementioned persons. Of most significance to further action on this development proposal with regards to urban hydrology is *a letter from the U. S. Army Corps of Engineers regarding the property and its proposed development. A copy of Corps approval was provided at our meeting of December 22, 2004.*

7. Grading

Previously-unresolved site grading issues have now been satisfactorily addressed to the extent that Greg Baptist, grading specialist for the county, has granted conditional approval as of December 13, 2004.

8. Geology

Previously-identified site submittal deficiencies have been addressed as follows:

fault locations and associated fault setback area requirements are now depicted on the most recently-submitted site development and grading plans

- * non-buildable / non-habitable areas are now shown on submitted plans
- * proposed final grades are now shown on Sheet C-4 and on the south end of Sheet C-5
- * areas with slopes in excess of 30 % (both previously-disturbed and undisturbed) are now shown on submitted plans
- * the fault scarp slope to the east / rear of the parking area on the north end of the project has been delineated, together with the toe of the slope and the required setback area
- * a geotechnical analysis has been prepared and submitted in support of proposed cuts

As for natural hazard / life safety / economic impact concerns not yet satisfactorily resolved with regards to the proposed development of this site, of primary concern are the potential presence and extent of secondary or subsidiary traces of the Wasatch fault within the boundaries of the property and the degree of definition and confidence that can be attributed to the resulting "zone of deformation" in terms of future development of the site.

Darlene Batatian, county geologist, is very much concerned about splintered faulting on the site and the potential for fault connections in the relatively-shallow subsurface of the property. Plans for the placement and compaction of fill material on the site create additional uncertainty as to how these materials will effect the eventual dispersion of the land during a seismic event. Of further concern is the inadequacy of time considerations in readily-available data and event calculations for the Wasatch Front.

Alternatively, Bill Gordon, geotechnical consultant for the project, has gone on record asserting that there is no information of secondary faulting on this site. In his opinion, review of available information on the past two earthquake events that effected the property show evidence of distinctive faulting only.

Regardless of the exact nature of past fault activity on the site, the patterns of previous faulting strongly indicate that surface rupture from the next earthquake will render structures on the site useless. Of particular concern is the proposed location of Building #3. The currently-proposed site development plan sandwiches Building #3 in between two clearly defined faults and is of such a size, relative to the separation between those two faults, as to not afford sufficient room for meaningful building setbacks.

The other buildings are similarly situated between known and mapped fault locations on the property, but at least have sufficient land area for suitable building setbacks. Of relevant concern is that even if all proposed buildings were designed and constructed with maximum consideration for life safety, immediate emergency access would be difficult (and, in the case of Building #3, next to impossible) to provide during the next major seismic event as a result of the anticipated severity of vertical offsets at the surface of the property.

Accordingly, Ms. Batatian is concerned that the 42,000 square feet of office space now proposed for this site represents an intensity of development significantly in excess of what is appropriate for a site so constrained by natural hazards. On the basis of these concerns peer review by other qualified geologists has been requested. In addition, Darlene, at our December 17th meeting, agreed to meet further with Bill Gordon to attempt to resolve these and other unanswered concerns.

The first such meeting took place on December 22, 2004 in this Office. In addition to yourself, Bill Bang, your partner with Utah Property Development, Inc., together with Kevin Taylor and Charles Kanopa of the consulting firm of Larson and Malmquist, project engineers, were in attendance. Also present was Jeff Daugherty, Salt Lake County Planning and Development Services Director, and myself, Senior Planner.

While considerable technical discussion occurred, the only conclusive position arrived at was that you were unwillingly to agree to the elimination of Building #3 for economic reasons. On a more tentative basis, Bill Gordon suggested the feasibility of a structurally-engineered "floating floor structure" for Building #3, whereupon Darlene continued to recommend the elimination of that building and the incorporation of "floating floor" designs into Buildings #1 and #2.

Upon conclusion of the meeting it was agreed that Darlene Batatian and Bill Gordon would have whatever additional meetings might be warranted in the interest of trying to achieve a mutually-acceptable alternative development approach for the property. Review criterion not to be discounted in the analyses of site development proposals such as this are those embodied within the purposes and intent of Chapter 19.75: Natural Hazard Areas of the Salt Lake County Zoning Ordinance.

Absent satisfactory resolution of natural hazard / life safety / economic impact concerns relating to the development of this site, or, in the alternative, significant modification of the site development plan for the property, the project as now proposed is recommended for denial by the county geologist.

9. Traffic

A final position on traffic impacts and required mitigation has not been reached as of the date of preparation of this correspondence (December 27, 2004) pending a final decision by the Utah Department of Transportation (UDOT) on site access on to Wasatch Boulevard. Depending upon UDOT's decision on this matter, a revised traffic impact analysis may be required.

10. Development Services Engineer

Compliance with applicable county roadway improvement standards will be needed with site development.

11. Water

Site plans are to be modified as needed to show all water mains and water connects. New water facilities will be required with development. Fire flow information will be required at the time of plan submittal.

In conclusion, the following issues, *highlighted* and described in greater detail in the preceding text, remain to be satisfactorily resolved prior to a recommendation for project approval as now proposed:

- A. *Provision of a conclusive approval from the Utah Department of Transportation regarding proposed site access via Wasatch Boulevard.*
- B. *Resolution of now-unauthorized development encroachment into previously-undisturbed portions of the site with slopes greater than 30% through one of the following:*
 - 1. *Modification of the proposed site development plan such that those encroachments now proposed are eliminated, or*
 - 2. *Amendment of the application for Planning Commission review and approval of the project as a whole to specifically include consideration of a waiver of slope protection standards for a lot of record in accordance with the procedures and standards of Section 19.72.060 B.1. of the Foothills and Canyons Overlay Zone.*
- C. *Modification of the Landscape Plan submitted for this project such that it indicates existing trees on the site greater in size than 6 inch caliper, as well as existing stands of scrub oak that are to be retained.*
- D. *Amendment of the application for Planning Commission review and approval of the project as a whole to specifically include a request for an Exception from required sidewalk improvements along Prospector Drive,*

per the procedures and standards of Section 14.12.150 of the Salt Lake County Code of Ordinance. Timely review of that request not only by the public works engineer and the Planning Commission but also, upon the recommendations of those parties, by the Salt Lake County Mayor.

E. Modification of the proposed Landscape Plan to reflect the following:

- 1. an overall increase in the number and size of evergreen trees and shrubs (such that an evergreen-to-deciduous ratio of approximately 50/50 is achieved) within the entire length of the landscape parkway between Wasatch Boulevard and off-street parking facilities on this property, as well as along the northernmost boundary of that parking area.*
- 2. a substantial increase in landscape density and materials (clusters of taller evergreen trees, together with a more diverse concentration of other plant materials, boulders, etc.) in the area fronting the 5 or 6 northernmost parking stalls immediately south of the now-proposed access way on to Wasatch Boulevard.*
- 3. provision of supplemental visual screening, whether in the form of additional or more substantially-sized landscaping alone or in combination with an eastward extension of the split rail fence to the edge of the landscape island at the southern border of the proposed access way.*
- 4. a substantial increase in landscape density and materials (clusters of taller evergreen trees, together with a more diverse concentration of other plant materials, boulders, etc.) in the area fronting the 22 parking stalls immediately north of the now-proposed access way on to Wasatch Boulevard and contained within the area defined on the site plan as being between the landscape island on the northern border of that access way and the second landscape island to its north.*
- 5. provision of supplemental visual screening, whether in the form of additional or more substantially-sized landscaping alone or in combination with an eastward extension of the split rail fence to the edge of the landscape island on the northern border of the proposed access way, as well as within the next two landscape islands northward.*

F. Final drainage plan approval and determination of stormwater piping requirements from the county's urban hydrologist, and curb and gutter improvements from the county's public improvements coordinator.

- G. *Calculation of cost estimates and financial assurance requirements for stormwater improvements associated with the project.*
- H. *Resolution of outstanding county geologist concerns regarding the potential life safety / economic impact repercussions of the development as now proposed with regards to known geologic conditions on the site. County geologist concurrence through consultation with the geotechnical and geology consultants involved in site plan preparation and through peer review with third party geologists familiar with the development of similarly-constrained properties that the property should not, as is now the case, be denied as proposed.*

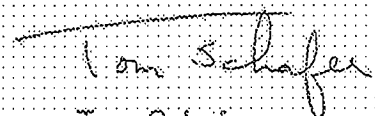
On a final note, as indicated in our meeting of December 17, 2004 and re-iterated in our December 22nd meeting, the pending assumption of land use and development jurisdiction by the newly-incorporated City of Cottonwood Heights will mean that all of the immediately preceding issues will have to be satisfactorily addressed prior to December 31, 2004 if this project is to receive a recommendation for final project approval from Salt Lake County.

In the event the Mayor-elect of the City of Cottonwood Heights officially notifies Salt Lake County's Mayor of a delay in the new City's assumption of jurisdiction, and sufficient time is available for compliance with public notice requirements for another meeting with the Cottonwood Heights Township Planning Commission, further consideration and action on this proposal by that Planning Commission could be scheduled so long as all of the above issues are satisfactorily addressed. If not satisfactorily addressed as indicated above, denial as proposed will be recommended.

Alternatively, this application may be withdrawn from further county consideration at your discretion so as to provide additional time for the resolution of these issues and consideration and action by the new City of Cottonwood Heights.

Please notify me in writing of your intentions in this regard. In addition, please keep me apprized of any and all actions taken to resolve the matters addressed in this correspondence so that we may keep absolutely current on the status of this proposal in light of the time constraints associated with its continuing review. As you know I can be reached by telephone at (801) 468-2965 and by e-mail at tschafer@slco.org.

Sincerely,



Tom Schafer
Senior Planner

Attachment:

16

Planning Commission
Minutes:

- A. October 3, 2007
- B. October 17, 2007
- C. November 14, 2007
- D. December 5, 2007 (Draft)

A. October 3, 2007

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, October 3, 2007**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 250**
8 **Cottonwood Heights, Utah**
9

10
11 **ATTENDANCE**

12
13 **Planning Commission Members:**

14
15 J. Thomas Bowen, Chairman
16 Geoff Armstrong
17 JoAnn Frost
18 Doug Haymore
19 Jim Keane
20 Gordon Nicholl
21 Sue Ryser
22

13 **City Staff:**

14 Michael Black, Planning Director
15 Glenn Symes, Associate Planner
16 Shane Topham, City Attorney
17 Brad Gilson, City Engineer
18

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20
21
22 **Excused:**

23
24
25 Jerri Harwell
26 Amy Rosevear
27

28 **REGULAR MEETING**

29
30 Chairman J. Thomas Bowen called the meeting to order at 7:00 p.m. Procedural issues were
31 reviewed.
32

33 **1. Public Comment.**

34
35 (19:03:14) Frances Mielach identified herself as a Homeowners' Association Board Member at
36 the Canyon Racquet Club Condominiums where she was also an owner. She asked the
37 Commission if there had been any word on what had happened at the Racquet Club property that
38 was sold next door. Planning Director, Michael Black, reported that they met with the owner
39 and an agent nearly two years ago but had not heard from then since. Ms. Mielach reported that
40 she lives in the northern and western most end of the condominiums and looks out onto the
41 property. She noticed there had been a lot of digging and people in and out. The property was
42 not well maintained and it did not look very attractive to those whose homes look out onto it.
43 The owner had also put up a fence around it. She stated that previously it was a chain link fence.
44 She stated that the property owners blocked their egress onto the backside of Racquet Club
45 Drive, which concerned a lot of the homeowners since their only way out was through the one
46 access onto Wasatch Boulevard. She was not sure if the owners left the gate to the property open

1 or if people were breaking in. She stated that there had been activity there at night and she
2 thought about calling the sheriff personally to make them aware of the situation. The residents
3 were concerned about their safety and break ins.

4
5 Commissioner Armstrong stated that there was a lot of excavation that took place on the site for
6 seismic purposes; however, to his knowledge there was no excavation taking place currently.
7 Ms. Mielach had not seen any activity recently, however, when the property was to be sold in
8 2002, the person looking to purchase it did some excavation to determine the location of the
9 fault. They then fixed it and it looked okay. The previous digging that took place had been
10 repaired. Some of the homeowners wanted to know if there were regulations, laws, or codes as
11 to how much digging could be done and whether the property would have to be returned to a
12 certain state or at least maintained in a certain way. Chair Bowen suggested Ms. Mielach speak
13 with Mr. Black. Mr. Black stated that he had not spoken to the property owner about their plans
14 for the property although the City Engineer had spoken to them about the seismic studies taking
15 place there. He encouraged her not to hesitate to call the sheriff if she sees people prowling on
16 the site.

17
18 **2. Public Hearing – Conditional Use Permit – Wasatch Office Project.**

19
20 (19:07:00) Mr. Black gave a brief presentation and stated that the applicant was requesting a
21 conditional use for three office buildings totaling 42,000 square feet on property zoned RM.
22 Property in that zone carried with it a conditional use option for offices. As a result, the request
23 was consistent with the RM zone. The project began in 2001 where the County reviewed a
24 request to change the general plan and denied it. Subsequent to that in 2004, the County
25 approved the zone change and approved an RMZC zone change, in which they approved a new
26 ordinance for the two properties allowing for office buildings with square footages totaling no
27 more than 50,000 square feet and a height of no more than 35 feet to the mid-point of the roof
28 and for uses limited to professional offices and medical/dental offices. Since the zone change,
29 the applicants applied with the County for a conditional use, however, the City incorporated
30 before the conditional use was finished. As a result, the file was closed and the applicant opened
31 a new file with the City after the moratorium was lifted in July 2005. Since that time, staff had
32 worked with the developer mainly on issues related to fault lines and slope stability. The City
33 had held one open house and two public meetings where the public had a chance to look at the
34 plans and comment on them.

35
36 Mr. Black reviewed the site layout. The area shown in blue was the RM property being
37 discussed. The property around it was zoned R-2 and R-1. He identified the few properties that
38 front directly onto the property in question. He explained that the sensitive lands ordinance
39 applied in the area and required the development not to exceed a maximum of 35% impermeable
40 surface on site. Fault lines were identified on the map. It was noted that building number three
41 was the most constrained by fault lines. It was recognized that there was a lot of slope on the
42 property. Typically the slope accompanied a fault line. A 3-D rendering of the contour lines of
43 the property was shown.

44
45 (19:13:33) With regard to parking, Mr. Black reported that the developer met the minimum
46 parking requirement for the most stringent use, which was medical/dental requiring 3.5 parking

spaces per 1,000 net square feet. The requirement was 118 stalls and the developer showed a minimum of 125 stalls. An overview of the parking was provided. Mr. Black stated that some parking was not shown since it was under Building #1. There was an option at one time to look at some permeable surface parking, however, that would require the removal of even more scrub oak. The Architectural Review Commission (ARC) recommended against the extended parking.

Mr. Black stated that the proposed landscaping represented an increase in vegetation throughout the entire site. There would be more vegetation at build out than there was currently. Along Wasatch Boulevard there was berming that would serve to hide some of the buildings and the parking lot from Wasatch Boulevard. The intent would be to retain as much existing vegetation as possible. He explained that the codes require pedestrian movement through parking lots. Colored concrete stamped crosswalks were shown throughout the parking area as well as a six-foot sidewalk down Wasatch Boulevard on the frontage of the property, four-foot sidewalks along all parking areas, and four pedestrian access points from the sidewalk and Wasatch Boulevard. The landscape plan for the project was meant to fit in with hillside type of development. A lot of clustered trees were proposed. The boulevard idea would include one tree every 35 feet, which was completely different and would not fit in with the nature of the area.

(19:17:50) Architectural issues were discussed. Mr. Black stated that the architecture was reviewed by the ARC. It was located in a gateway zone and issued a certificate of design compliance the previous week. The developer planned to use rocks, rough timbers, and sloped roofs with shingles. The equipment and air conditioning units would be completely shielded by vegetation and covered with a roof so they would not be seen or heard. To his knowledge there were to be no signs on the buildings and he recommended that be a condition of approval. He explained that the proposed building would not shadow Wasatch Boulevard because of the width and height. The setback from the property line was 25 feet and the setback from the actual road was closer to 40 feet.

Mr. Black noted that the building colors would vary from building to building. Signage would be accomplished in three steps. The first would be the signage on Wasatch Boulevard. The second would be at the entrance of the development where visitors would be directed to specific buildings. The third was outside and detached from the building in the form of a tenant sign. The Architectural Review Commission's recommendations were to protect the trees by identifying all of the trees to be protected. Before a grading permit would be issued, the applicants would be met on site and each tree to be saved would be identified. They would be marked and staff would go back and check periodically. If anything was removed that was not supposed to be, the applicant would have to replace it with something of similar size and quality.

Mr. Black explained that there was an increased vegetation requirement next to Building #2. The intent was to hide it more because it was slightly closer to Wasatch than the other buildings. A few more trees were added next to Building #2 and a lot more trees were added to the north end of the project. A bus shelter had been worked on for some time. The intent was for it to be adequate for this and other sites. Staff planned to work with the developer to come up with something functional that is more unique and aesthetic. The bus shelter would be located on Wasatch Boulevard. The developer showed lighting in the project. When staff reviewed it with the ARC, it was thought that the lighting at the entrance was too dim. Light was increased at that

1 point. That had already been accomplished on the plans. A City standard streetlight would be
2 installed every 200 feet along Wasatch Boulevard. Mr. Black anticipated that there would be no
3 light pollution since full cutoff lights were required. He suggested that lighting be shut down at
4 10:00 p.m. except for what is required for building safety or the safety of people walking to their
5 cars. Mr. Black stated that the intent was to keep the parking lot bright without polluting into the
6 open areas.

7
8 (19:27:47) UDOT representative, Kris Petersen, reported that originally the project asked for
9 access off of Wasatch Boulevard. That access was denied because it did not meet their standards
10 at the time. The matter went back to the City who denied the developer access off of Prospector.
11 He explained that State code grants every property owner a right to access roadways. Since the
12 applicants did not have reasonable access on other roadways, UDOT was bound by code to grant
13 them access. That required a variance to the code in order to meet the higher law. In doing that
14 they had gone through several rounds of submittals in negotiation with the developer to meet
15 their minimum standards on Wasatch with regard to access. Currently, what was proposed was a
16 five-lane section with acceleration and deceleration lanes with a turn lane in the middle of the
17 roadway to allow people to turn left into the development and left out. He explained that there
18 were no accesses opposite the development. Mr. Petersen explained that the process had been
19 fairly arduous. The developer could not be denied access to the roadway but had to work to
20 make it as safe as possible.

21
22 City Engineer, Brad Gilson, stated that staff likewise had been through a very arduous,
23 comprehensive process working with the developer on a number of geo-technical and geology
24 issues related to the site. There were numerous fault lines running through the property and they
25 had gone back and forth with their City Geologist and the applicants' geotechnical and
26 geological consultant. They had evaluated setbacks and surface fault rupture studies. He noted
27 that they required several additional field investigations to identify and map properly the existing
28 fault lines on the site. They had been very concerned about slope stability. Samples were taken
29 to evaluate the existing materials on site to quantify the slope stability based on existing static
30 and dynamic conditions. The applicants were required to run a number of models and reanalyze
31 everything from scratch since a homebuilder up above on Prospector Circle disturbed the
32 hillside. They had gone through a lot of iterations with the developer and his geologist to ensure
33 they meet current City code.

34
35 (19:32:23) Hyrum Alba identified himself as a licensed engineer and geologist who performed
36 all of the reviews on behalf of the City as the reports were submitted.

37
38 Blaine Walker was present representing the developer, Utah Property Development, of which he
39 was an owner. He introduced the project architects Blaylock & Partners, Bill Gordon from GSH
40 Engineering, Randy Smith from Northern Engineering, and Alan Balmanno from the law firm of
41 Hutchings Baird Curtis & Astill. Mr. Walker stated that they had tried to do everything the City
42 had asked. They were zoned for office buildings and they tried to comply, and over comply
43 where necessary, to make the project one that will be beneficial to the area.

44
45 Chair Bowen reported that what was submitted was a conditional use application. That meant
46 that a determination had already been made by the City Council that the office building is a

1 recognized use within that zone. He explained that the decision was made years ago. Under
2 State law, they were talking about issuing a conditional use permit. City Attorney, Shane
3 Topham, read from the Municipal Land Use Development Management Act (LUDMA), which
4 was the enabling law by which cities regulate zoning. It stated that a land use ordinance may
5 include conditional uses and provisions for conditional uses that require compliance with
6 standards set forth in an applicable ordinance. A conditional use shall be approved if reasonable
7 conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental
8 effects of the proposed use in accordance with applicable standards. If the reasonably
9 anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by
10 the proposal or the imposition of reasonable conditions to achieve compliance with applicable
11 standards, the conditional use may be denied. Mr. Topham explained that in land use there are
12 permitted uses that people have the right to pursue without any input from the City. If the City
13 wants to impose controls on some uses, it can call those uses conditional uses. In that case, the
14 use is examined by a body to decide whether it is appropriate based on the nature of the property
15 and the surrounding area. In this case, the property was a conditional use in the zone. The City's
16 ability to curtail the use was limited. In 2005, the Legislature substantially rewrote LUDMA and
17 the City was bound by it. It laid out some broad protections to property owners and broad
18 guidelines for cities to follow. In the conditional use context, if the City decides to designate
19 uses as conditional, there are standards for the City deciding whether that conditional use should
20 be approved. The City has to approve the conditional use if reasonable conditions can be
21 imposed that mitigate the anticipated detrimental effects of the use. The City would then have to
22 come up with a list of reasonable conditions to mitigate those detrimental impacts.

23
24 (19:39:35) Chair Bowen opened the public hearing.

25
26 William Good gave his address as 7730 South Quicksilver Drive. He was present speaking on
27 behalf of the residents of the Prospector II subdivision. He referred to page 2 of the staff report
28 which stated that 65% of the site is unusable. He also referred to the sensitive lands ordinance
29 and stated that only 30% of the slope area can be added to the area calculation to determine
30 density. Using the plan survey map, he calculated the unusable slope area at 40% of the total
31 area of the land. 30% of the unusable area was added to the project area to get to the total project
32 area of about 163,000 square feet. According to the ordinance, the maximum allowable
33 impervious area of the project is 35% of the total project area, not the total land area. That meant
34 that the maximum allotted pervious area should be listed at 57,256 square feet rather than the
35 level claimed on the plan at 77,420 square feet, which was exactly 35% of the total land content.
36 He thought the calculation was incorrect and that the request should be denied on that basis.

37
38 Mr. Good next referred to page 5 of the staff report allowing for a height of 35 feet for properties
39 in the sensitive lands area. He explained that that was what the County approved with the zone
40 change. In reading the ordinance itself, it was limited to 30 square feet rather than 35. He
41 concluded that the County inappropriately and incorrectly approved it at 35 feet. He asked if the
42 30 feet was measured to the top of the building or the mid-point of the roof.

43
44 He referred to page 6, and stated that the plan did not specify 1972-050-FG, which requires all
45 disturbed soil surfaces be stabilized and covered by November 1. He did not see that
46 requirement included in the plan. The plan did not show that the existing rock trail would be

1 maintained. Chair Bowen responded that the Commission was aware of that and would address
2 it. Mr. Good remarked that the plan did not comply with conditional uses and referred to
3 paragraph D. He believed the proposed use was detrimental to the health, safety, and comfort of
4 persons residing or working in the vicinity. Chair Bowen remarked that he stated previously that
5 the decision was made two years earlier.

6
7 (19:44:58) Mr. Good next referred to item K and stated that buffering to protect adjacent
8 landowners was inadequate according to the plan. He stated that the project did not adequately
9 preserve the historical environmental conditions of the property the way the plan is drawn out.
10 He also noted that the operation and delivery hours had not been described by the developer to
11 be compatible with adjacent land uses.

12
13 Frank Brussow stated that one of the things the City must consider with a conditional use is the
14 nature of the property and the use in the area. He viewed what was proposed as spot zoning and
15 an unconstitutional use of property because all of the neighboring landowners were residential.
16 He stated that there was no grand fathering of the commercial zone. Chair Bowen explained that
17 State law was changed several years ago so that the size of the parcel being zoned is no longer an
18 issue. In other words, State law authorizes what used to be called spot zoning. Mr. Brussow
19 viewed spot zoning as an exception to the zoning law because it creates a situation where there is
20 no longer any zoning because equal protection has been violated. Chair Bowen explained that
21 State law allows exactly what he was complaining about. If he did not like it, he suggested he
22 contact his legislator and have it changed. Mr. Brussow stated that when a patchwork of zoning
23 is created, there is no zoning anymore and there is discrimination in favor of certain people and
24 against others. He thought they should be quite limited. In this case, he stated that there was a
25 hazard in the form of an earthquake anticipated to be more than 7 on the Richter Scale and it was
26 over due. He did not think it was wise to allow more people in a higher density area. If they do,
27 more people would be exposed to the inherent danger. He asked if trenching was done to
28 accurately locate the fault line running through the property. He thought zoning was supposed to
29 consider the health, safety, and welfare of the people in the area. He believed the highest and
30 best use of the property was residential, as it would have less impact on the property.

31
32 Mr. Brussow explained that the idea of zoning was a homogeneous use so that the people in the
33 area have the same benefits or burdens. What was proposed would allow someone to go into a
34 residential zone and use it commercially. Chair Bowen reiterated that the decision to zone the
35 property was made two years earlier by the County Commission and the Cottonwood Heights
36 City Council. Mr. Brussow stated that that was an exception to the general use around a
37 residence. As a lawyer, he knew there was a gateway to sue the City for allowing the
38 commercial use to continue to exist as an island in the middle of a residential zone. Furthermore,
39 it would introduce more people because of the higher intensity use. He stated that there should
40 be a proportion where one can figure out the propinquity of the building to the fault line.

41
42 (19:52:25) Dan Wait gave his address as 3746 East Prospector Circle and stated that his home
43 looks directly down onto the property. He had suffered damage inside his house due to a home
44 being built next to him. He was concerned about the hill stability and wondered who would be
45 responsible if his property was irreparably damaged. Chair Bowen suspected that the developer
46 would be liable. Mr. Topham stated that the City could be liable if it could be proven that the

1 City was negligent. Mr. Wait stated that his home was the culmination of everything he had
2 done in his life and he bought it because of the view. He was concerned about light pollution
3 shining up into his house and possibly destroying his view. He was also worried about the
4 project decreasing his property value. He preferred to see lights shut off at 7:00 p.m. rather than
5 10:00 p.m. He was also concerned with reflective light. The damage he received from his
6 neighbor's house being built had to do with vibration. He suspected that because the proposed
7 buildings are bigger, there would be a lot more heavy construction equipment. He hoped the
8 City could restrict the situation.

9
10 (19:55:32) Chante McCoy gave her address as 7815 Prospector Drive. She reported that she and
11 her husband bought their home only a few months prior and had no idea this was happening.
12 She was concerned that it would affect their property values. She was confused as to why they
13 were even invited to attend and sensed some antagonism.

14
15 Carol Bee gave her address as 3542 South Summer Oak Circle. She expressed concern with
16 Wasatch Boulevard. She had heard at one point that they were looking at putting in a traffic
17 signal. She raised traffic concerns and stated that the traffic in the area was horrendous. Chair
18 Bowen stated that the City was not widening the Boulevard but that UDOT might.

19
20 Clark Lamb reported that he lived two blocks west of the site. In looking at the geologic maps,
21 the building happened to be in one of the most dangerous zones in the City. It was highly
22 volatile and the slope to the east had been created by a fault. He asked what sort of risk would be
23 assumed by the City in the event buildings collapse. He also expressed concern with traffic and
24 commercial buildings being put in a residential area. He read a newspaper article recently where
25 the Governor had a task force study slope problems where homes were built on slopes and they
26 slid down. Mr. Lamb stated that many people were going back to the City governments for
27 restitution. He thought this situation created the same type of problem and that a lot of people
28 would come into the buildings that are not aware of the hazards. He asked if adequate structural
29 concern had been given to the buildings and whether they would survive an earthquake. As an
30 architect, Mr. Lamb stated that there could be all sorts of calculations but no one really knows
31 when and if an earthquake will hit. He thought it was unconscionable to put people at risk.

32
33 Chair Bowen invited Mr. Lamb to submit information supporting his conclusions. Mr. Lamb
34 referred to an article from the State about the occurrence of earthquakes. Chair Bowen stated
35 that State law precludes the Commission from considering speculation and public clamor. He
36 stressed that they had to have some factual basis. Mr. Lamb did not know what Mother Nature
37 would do and thought if the City had looked at the site they might want to reconsider.

38
39 (20:02:54) Candice Powers gave her address as 7682 Quicksilver Drive. In 1986 they had a
40 situation where their backyard fell to the road below, which was Prospector Drive. They had
41 built a retaining wall there to hold the soil and it was there for probably less than one year. They
42 were unaware of the fact that there was a watershed running along the north side of the home.
43 They had since repaired the wall but she continued to see the geologic changes taking place in
44 her own backyard. She overlooked the proposed property and currently had five rock retaining
45 walls placed there to allow for the drainage necessary for the water shed. When proposing such
46 large buildings, she believed the water would be an issue. She stated that her rocks remained

1 unmoved but in the event of an earthquake that would not be the case. She did not want to be
2 liable for the damage to the proposed buildings when her rocks relocate.

3
4 (20:05:49) Don Machen gave his address as 8096 Mountain Oaks Drive. He stated that he did
5 not receive notification because he does not live within 1,200 feet of the project. He was present
6 speaking on behalf of the Top of the Mountain residential area. They were concerned about
7 having commercial come into their residential area. He stated that they had been in many
8 meetings on the matter and were waiting for a traffic report from UDOT. They had yet to
9 receive a traffic count on the proposed location. Mr. Gilson stated that there were current counts.
10 Chair Bowen agreed to make them available to the public. Mr. Machen did not think that it fit
11 with the project by its measurement. Chair Bowen explained that UDOT was mandated by State
12 law to provide an access to the property. They did not have a choice. The decision that the
13 property is compatible with an office building was made years ago and was a conditional use
14 within the zone. Mr. Machen stated that since that time, traffic in the area had changed
15 dramatically. Chair Bowen responded that the property was still zoned for an office building by
16 the County. He explained that the Commission was to deal with conditions on the office
17 building. If there are adverse conditions that can't be mitigated, it could be denied. He stated
18 that Mr. Machen's time would be best spent dealing with the adverse impacts and how they can
19 or cannot be mitigated. Because the applicants filed under that, they had a vested right to pursue
20 the application. He was certain that there would be a fatal accident in that location within the
21 next five years.

22
23 (20:11:20) Chair Bowen asked Mr. Machen to provide a basis with some factual background
24 showing that the project ought not be approved. Without facts, the Commission could not
25 consider the comments and public clamor. They would have to have evidence of some kind in
26 the record to support their decision.

27
28 Mr. Machen remarked that Commissioner Nicholl sat on the Unincorporated Area Committee
29 previously and the matter came before him, however, the record showed that he never signed the
30 document approving what was being discussed. Commissioner Nicholl remarked that it was a
31 voluntary committee and he was not authorized to sign anything. He acknowledged he had been
32 involved in the issue since the beginning and had heard all of the arguments and issues. He
33 wanted to weigh all of that in order to render an intelligent and informed decision on the project.

34
35 Mr. Machen stated that Chair Bowen's remark to a woman earlier in the evening was rude and
36 out of line.

37
38 (20:14:31) Mike Neilsen gave his address as 3322 Daneborg. He was retired and kept track of
39 the goings on in the City. In listening to different conversations, he could understand the
40 concerns raised. He stated that the property was zoned and buildings were going in. He wanted
41 to rely on planning staff to do the best job possible. From what he had seen, it appeared that the
42 buildings conformed. Chair Bowen remarked that the County approved 50,000 square feet.
43 What was proposed was 42,000 square feet, which was less than the County approved.

44
45 Rebecca Good, a Quicksilver Drive resident, stated that the property had gone through three
46 governmental transitions and some things were lost along the way. It was zoned for eight single-

1 family homes with access off of Prospector. Access was not allowed off of Wasatch because it
2 came off a residential road. Because it was a State highway, UDOT would not grant access.
3 When they planned to do the rezoning, the Commission granted single-family, however, the
4 homes didn't get built because it was not profitable for the developer. The County refused to
5 grant approval for rezoning unless they had written confirmation from UDOT that they would
6 allow access. They did not when the rezoning took place. Not until four days after did they get
7 that commitment. Prior to that time they had no proof. That was one thing that was lost in the
8 transition. Chair Bowen asked how that had any relevance to what was being discussed.
9 Mrs. Good contended that it was not done legally. She had always heard that residential has to
10 be accessed by a residential road. If it is commercial it must access from a commercial road.
11 That was brought up during the public hearings and she informed the City that it cannot be
12 landlocked. If UDOT denied access it would be rezoned back to residential. Chair Bowen
13 explained that UDOT could not deny it since they had granted the access. Mrs. Good stated that
14 it was done without due diligence and studying the history. Chair Bowen stated that the
15 Commission did not have the authority to go back and challenge the zoning implemented by the
16 County. He stated that it would have to be challenged by the City Council.

17
18 Mrs. Good asked who held the actual deed to the property. It was determined that Blaine Walker
19 held the deed and had 52% ownership. She suggested that quasi use be deleted from the zoning
20 use. She noted that three uses were listed for the property; offices, professional offices, and
21 quasi use. The ordinance stated that quasi use can be a residential facility, residential treatment,
22 or a hotel. Chair Bowen stated that the County zoned it for an office building and had some
23 strict requirements. Conditional zoning was put in place for this particular piece of property.
24 Mrs. Good was extremely disappointed by the failed traffic study. She explained that a traffic
25 study was supposed to be done by UDOT on Presidents' Day weekend but for some reason the
26 markers kept being taken off the road. As a result, they really did not understand the impact of
27 the traffic. They could look out the window and see traffic backed up for hours. She felt the
28 traffic issue was extremely important, especially for safety. Chair Bowen invited Mrs. Good to
29 submit factual data to show that these particular office buildings will cause problems.

30
31 (20:25:44) Mrs. Good stated that when a person buys a residential property on or near a fault
32 line, there is a law requiring them to be informed before the purchase. She asked how notice
33 would be given to the occupants and clients that will be using the building. Chair Bowen assured
34 her that they would be informed.

35
36 Mrs. Good was also concerned about whether the developer had potential renters already. Chair
37 Bowen explained that that didn't matter and was irrelevant to what was being discussed.
38 Mrs. Good believed that what was relevant was that there were already numerous vacant offices.
39 Chair Bowen explained that moving forward was an economic decision on behalf of the
40 developer and not a decision to be made by the Commission.

41
42 (20:27:10) Mr. Good stated that the 1996 geology study was very different from the most recent
43 one, which seemed to fall in line with the plan. He thought the Commission ought to take a close
44 comparison of both studies.

1 Kelly Calder gave his address as 7803 Prospector Drive and identified himself as a structural
2 engineer. He remarked that he also had a degree in geology. In his work he designed for this
3 type of situation often and there were codes to cover it. He was interested in seeing the soils
4 report and asked if it was something he could take a look at. Chair Bowen stated that it was
5 available. Mr. Calder was concerned as a structural engineer that the site was very challenged
6 and there were numerous faults. Chair Bowen remarked that that was why it had taken two years
7 to be presented.

8
9 (20:29:43) Alan Balmanno identified himself as an attorney with Hutchings Baird Curtis & Astill
10 and represented the developer. He urged the Commission to make a decision tonight since the
11 process had been ongoing for several years. He stated that experts had looked at what was
12 proposed. He did not want to create an expert battle. Chair Bowen stated that no decision would
13 be made tonight. Mr. Balmanno referred to the legal standard, which was to approve if
14 conditions can be put on the use.

15
16 Robert Farnsworth gave his address as 7776 South Oak Shadow Circle. He was familiar with the
17 site and was disappointed in his neighbors. He realized it was not popular to put an office
18 building in the proposed area but he believed it was a good use. He recalled attending a couple
19 of meetings when they were working on the gas station. He saw all of his neighbors get very
20 upset that a few pumps were being put in at Smith's. As soon as it was approved and built, all of
21 his neighbors patronized it. He believed the project was good and recognized that the developer
22 had been involved in the process for a long time. He saw nothing that appeared to be a health,
23 safety, or welfare issue and urged the Commission to move the project forward.

24
25 (20:32:30) Mrs. Good asked when the developer would put a sound wall in. Chair Bowen did
26 not believe there was intent to install one. Mrs. Good stated that when her neighbor was building
27 a home, they forced her to put in \$20,000 to \$30,000 of stabilization down the hillside. She had
28 not heard anything about the applicants trying to stabilize the hillside. Chair Bowen remarked
29 that the problems with the existing house above the site were not the doings of the City.
30 Mrs. Good stated that an earthquake was overdue and asked who would be responsible if damage
31 occurs. Chair Bowen did not know and stated that it had no relevance to the topic of the
32 building. She disagreed and thought all should understand the lack of safety.

33
34 (20:35:24) Mr. Good requested that one of the conditions be that the parking and entrance be
35 gated so that it is closed off after hours to prevent skiers from parking in the lot.

36
37 Pamela Palmer gave her address as 7986 Top of the World Drive. She brought up the issue of
38 bicycle traffic and realized that it applied to UDOT. She stated that there was a considerable
39 amount of traffic on Wasatch since a lot of riders use it to go back and forth to the canyon. She
40 could not imagine adding more traffic to it. She asked if there was any plan for a bicycle path.
41 Chair Bowen responded that the applicants intended to put a bike path in.

42
43 Mr. Walker thought that many of the items discussed were important such as the bicycle trail.
44 They were not required to put it, in but they did. They also put additional parking in for bicycles
45 on site since they believed their tenants would be within a five-mile radius and some may ride
46 their bikes to work. They proposed a bus stop in front of the buildings because they wanted to

1 see people take the bus to work rather than drive. With regard to earthquake concerns, no one
2 knew when it would happen. He appreciated the comments of the structural engineer and stated
3 that they worked with a structural engineer at the County who studied how the buildings would
4 have to be built. They were sensitive to that and did not want to see anybody hurt. He was
5 aware of 100 homes to the south that were built right on the fault line. He was more concerned
6 with those types of structures than structures being built today. They had already had their
7 engineering reviewed and conducted geologic and traffic studies twice. He commented that each
8 costs thousands of dollars. They had worked with the City on many of those issues. He stated
9 that they were going over and above the requirements and planned to make it a quality project.

10
11 (20:38:28) Chair Bowen closed the public hearing.

12
13 Commissioner Frost lived in the area and appreciated the neighbors' vigilance in trying to have
14 impact in the community. She understood their frustration and realized they had watched
15 properties slip down the hill. They all wanted what was best for the community. As a Planning
16 Commissioner she had three concerns. One had to do with the earthquake code. With regard to
17 the roadway she wanted to see more than the minimum standard met. She wanted to see
18 mitigation and recognized traffic was a real issue that needed to be considered. With regard to
19 stability of the slope, she wanted to see some real consideration in stabilizing the slope rather
20 than the buildings being removed from the slope by a specific number of feet. She stated that the
21 project could work for them or against them. She remarked that she voted against it when she
22 served on the Planning Commission for the County and the issues hadn't changed. With regard
23 to mitigation, they were stuck with the legality of it. She hoped it would not go to legal limits,
24 but realized that the Commission serves the citizens first. She thanked those in attendance and
25 asked for help in changing the laws.

26
27 Commissioner Frost asked about water and drainage and whether that issue had been looked at.
28 Mr. Black stated that it had and there didn't seem to be a problem. Mr. Gilson stated that it was
29 evaluated in detail in conjunction with the geology and geotechnical reports. There was an under
30 drain at the toe of the slope and there were requirements to keep the slope well drained. A
31 comprehensive storm drain system was associated with the site. Commissioner Frost referred to
32 a comment made by Mr. Good about the calculation of the usable space. He mentioned that on
33 certain slopes it would have to be calculated differently. Mr. Black stated that that did not apply
34 here because it is directly related to the calculation of density for residential lots. He also
35 pointed out that a majority of the steep hillside was owned by the people in Prospector Circle.
36 The toe of the slope was still owned by the developer. Commissioner Frost asked how much the
37 development would actually affect the slope. Mr. Black responded that the developer could go
38 only 12 feet into the slope, however, he was proposing less than that. He explained that there
39 were some engineered walls in the development that would be reviewed by Mr. Gilson.

40
41 Commissioner Frost asked to see the traffic study and stated that a lot of aspects of the study
42 were questioned because it was done with averages. She wanted to see the study and how it was
43 calculated. She realized everyone was concerned about an earthquake and potential damage,
44 however, they would have the same problem regardless of whether homes or condos are built. It
45 did not matter what the structure was since the threat would exist regardless.

1 (20:46:09) Commissioner Haymore was extremely impressed by the care shown in the staff
2 report but was impressed and persuaded by some of the things he had heard from the public
3 input. Specifically, he wanted to double-check the assertions that there was an improper
4 application or interpretation of ordinance. He wanted to make sure that is taken into
5 consideration and reviewed. He did not want to rely solely on staff's interpretation. If found to
6 be appropriate within those parameters, he thought it was important to say that it was a carefully
7 thought out plan that is very good considering the zone. He admitted that he would fight a
8 developer trying to develop something other than residential in his neighborhood, however, as
9 the Chair had pointed out numerous times, that was not what was being discussed. They were
10 dealing with the zoning in place and the appropriate steps to make uses consistent with the
11 zoning and as friendly to the surrounding area as possible. He reiterated that he thought it was
12 important to recheck the interpretation of the ordinance before proceeding.

13
14 (20:48:19) Commissioner Keane asked if sound generation from the property had been dealt
15 with. Mr. Black responded that they had not mainly because Wasatch Boulevard was right next
16 to the property. He did not see how an office development could generate more noise than
17 Wasatch Boulevard. He explained that air conditioning units would be covered and screened and
18 would not be visible or heard.

19
20 With regard to the 10:00 p.m. light turnoff, he asked how that time was established rather than
21 7:00 p.m. or 8:00 p.m. Mr. Black stated that it was common within the City for lights to go out
22 at 10:00 p.m.

23
24 Commissioner Keane asked if additional information was needed from UDOT to address some
25 of the questions raised such as traffic count. Chair Bowen responded that UDOT would provide
26 the City with a traffic count. A UDOT representative, stated that as part of the January 25 public
27 meeting held with the Mayor, they decided they would count Presidents' Day weekend to see
28 what the worst-case traffic was that occurs on that roadway. Unfortunately, the traffic counters
29 were damaged and the data obtained meant nothing. A traffic count was required as part of the
30 traffic study. They evaluated the peak hour one day in January and compared it to a July day.
31 The impact to the roadway was then evaluated. It was reviewed and revisions were made to
32 account for the issues they had. He stated that staff had a copy of the report.

33
34 (20:55:15) Commissioner Frost referred to the criteria on cutting or having access off of Wasatch
35 Boulevard. She realized it was a right of land use and stated that there were three streets there
36 within 1,300 to 1,400 feet, all accessing off to the east. In the report, she asked that staff
37 elaborate on criteria as to why it could not have been connected to either of the other accesses.
38 Mr. Petersen explained that in staff's initial denial of the request of the application to access
39 Wasatch, they denied it and told them that they had reasonable access off of an existing City
40 street. That was denied by the City or the County at the time. Access issues were discussed.

41
42 Commissioner Nicholl stated that it had been well established that he had been involved with the
43 issue probably longer than anyone else in the room, with the exception of the applicants. He
44 thought they were very close to making a final decision but realized more information had been
45 brought forward by both the developer and the citizens. He was not in a rush to vote.

1 (20:58:40) *Commissioner Nicholl moved to extend the open portion of the hearing until two*
2 *weeks from tonight at 5:00 p.m. so that the applicant and the citizens will have an opportunity*
3 *to submit to the City in writing, any new and pertinent information that they may have. A vote*
4 *shall not be taken on the issue by the Planning Commission within the next thirty (30) days so*
5 *that they can have an opportunity to evaluate the information received tonight, get answers*
6 *from staff, and consider any new information that might be received in the next two weeks.*
7 *Commissioner Armstrong seconded the motion.*

8
9 Chair Bowen remarked that the matter would be back on the agenda the first meeting in
10 November for a decision. Commissioner Nicholl remarked that he would be out of town during
11 the first meeting in November. He had spent so much of his time on the issue that he really
12 wanted to vote on it. Chair Bowen stated that there would only be one meeting in November and
13 one in December. That being the case, Commissioner Nicholl suggested that the matter be
14 extended until the next meeting and that the public and the developer be given until 5:00 p.m.
15 Tuesday, October 9, to provide information in writing. The matter would be on the October 17
16 agenda for a decision only.

17
18 *Commissioner Nicholl moved to amend his motion to extend the matter to December 5, and*
19 *that the citizens and the developer have until 5:00 p.m. on Wednesday, October 17, to submit*
20 *further information to the City.*

21
22 Commissioner Haymore was troubled and did not think matters of public business should be
23 juggled based on a Commission Member's schedule. He thought the Commission had had ample
24 time to hear the matter. The questions to be answered could be done the following Tuesday and
25 the matter heard by October 17. He strenuously urged the Commission to defeat the motion.

26
27 In response to a question raised, Mr. Black felt that he could address all of the issues brought up
28 today by October 17.

29
30 *Vote on motion: JoAnn Frost-Aye, J. Thomas Bowen--Aye, Geoff Armstrong--Aye, Doug*
31 *Haymore--Nay, Jim Keane--Nay, Gordon Nicholl--Nay, Sue Ryser--Nay. The motion failed.*

32
33 (21:08:35) *Commissioner Haymore moved to continue the matter for a decision only until*
34 *October 17 with the submission deadline of Tuesday, October 9, at 5:00 p.m. Commissioner*
35 *Frost seconded the motion. Vote on motion: JoAnn Frost-Nay, J. Thomas Bowen-Aye, Geoff*
36 *Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, Gordon Nicholl-Aye, Sue Ryser-Aye.*
37 *The motion passed.*

38
39 The Commission took a five-minute break.

40
41 **3. Public Hearing – Conditional Use Permit – Walgreen's Drugstore.**

42
43 (21:22:57) Mr. Symes presented the staff report and stated that the location of the site was 2330
44 East Fort Union Boulevard. The request was for a conditional use permit for a Walgreen's drug
45 store. The store was proposed to be 13,192 square feet with a drive-thru window. 24-hour
46 operation was requested. Drug stores were listed as a conditional use. The proposed layout was

1 described. The main entrance would be directed toward the intersection and there would be a
2 storefront on both Front Fort Union and 2300 East. Most of the landscaping would be along
3 2300 East and Fort Union Boulevard. Additional landscaping was requested on the eastern
4 portion to screen some of the area from the westbound traffic on Fort Union. The store was
5 proposed at a height of about 20 feet with a parapet of about 26 to 28 feet. All of the roof
6 mounted equipment would be screened, particularly because of the grade difference coming
7 down Fort Union Boulevard. Staff recommended approval of the request.

8
9 Kevin Deis of Phillips Edison Company, was present representing the applicant. His recollection
10 was that the request was for the pharmacy to operate 24 hours but not the drive-thru. He
11 remarked that they would be leasing the property from the owner of the shopping center.

12
13 Chair Bowen opened the public hearing:

14
15 (21:26:36) Frances Mielach remarked that she was a registered pharmacist and the 24-hour
16 operation could be a safety issue since pharmacies have a tendency to get robbed. She wanted to
17 make sure Walgreen's addressed that in some way.

18
19 There were no further public comments. The public hearing was closed.

20
21 Mr. Symes' experience with Walgreen's was that they are typically open 24 hours per day.
22 Commissioner Armstrong agreed and stated that generally that was the case nationwide.

23
24 Commissioner Haymore stated that the proposed store would be across the street from a
25 convenience store that is open 24 hours. He remarked that there was also a Walgreen's on the
26 corner of 9400 South and 2000 East and he had personally been in the store when the pharmacy
27 was closed. He stated that the pharmacy are not generally tied directly to the store hours. He
28 viewed that as a market condition.

29
30 (21:29:07) Chair Bowen stated that one of the distinctions was that the 7-Eleven was put in by
31 the County rather than the City. Commissioner Keane was concerned about the location of the
32 building and the fact that it would be facing the intersection. If it was back along the strip mall
33 he would have no problem with it. Because of its location, he viewed the 7-Eleven as a
34 detriment to the area.

35
36 Commissioner Frost asked if there was any landscaping between the sidewalk, the road, and the
37 building. Mr. Deis responded that that portion of the site would be raised and they would lower
38 the rear of the site. They would also replace all of the landscaping and put in a more extensive
39 landscaped area. It was noted that the existing building comes close to the sidewalk in one
40 location.

41
42 In response to a question raised by Commissioner Armstrong, Mr. Deis confirmed that they
43 would continue to use the two existing entrances. Commissioner Armstrong was well acquainted
44 with the property and stated that the buildings there currently had once been restaurants that had
45 been unsuccessful. He had no doubt that Walgreen's would be successful. With regard to the
46 24-hour request, he saw no reason to deny it since there was another 24-hour business across the

1 street. He was in favor of 24-hour service. Because they were the nation's largest single drug
2 store chain he was sure they were familiar with the dangers involved in 24-hour operation. As a
3 result, that did not concern him.

4
5 (21:32:26) Chair Bowen asked about the hours of operation at the Dan's Food Store. It was
6 determined that they close at 12:00 midnight. Most of the larger stores had cut back their hours.
7 Harmon's was one of the few that was open 24 hours. Because the store would be well lit, it
8 would be a detriment to crime. Mr. Deis stated that one of the issues with the 24-hour operation
9 had to do with economics. Walgreen's always asked for 24-hour approval and they look to see if
10 it is financially feasible. It would not automatically be open 24 hours. Chair Bowen would be
11 more enthusiastic about the 24-hour operation if it included the pharmacy.

12
13 Commissioner Frost asked about the lighting on the site. Mr. Symes responded that because the
14 store was so far away from any residential areas, light pollution was not a concern. The standard
15 cut off lights were required. Commissioner Frost thought the store should be well lit if it is open
16 24 hours. She did not like to go places at night if the parking lot lighting is dim.

17
18 (21:36:37) *Commissioner Frost moved to approve the application subject to the following staff*
19 *conditions:*

20
21 ***Planning:***

- 22
23 1. *That the building be limited to 13,192 square feet.*
- 24
25 2. *That the developer install a total of three (3) City standard lights, which include two (2)*
26 *along Fort Union Boulevard and one (1) along 2300 East as shown on the approved*
27 *plans.*
- 28
29 3. *Landscaping shall be completed as the plans represent and shall be completed at the*
30 *time of final occupancy. In addition, a 100% landscape bond shall be required to*
31 *ensure the improvements are made as represented.*
- 32
33 4. *All landscaped trees shall be a minimum of 2-inch caliper upon planting.*
- 34
35 5. *That all improvements to the sidewalk on Fort Union Boulevard and 2300 East be*
36 *completed before final occupancy is granted for any building.*
- 37
38 6. *Lighting is required to be full cutoff able.*
- 39
40 7. *The developer shall provide refuse collection for the properties.*
- 41
42 8. *That the architecture of the proposed building be consistent with the approved*
43 *architectural plans.*
- 44
45 9. *That the store be allowed 24-hour operation.*
- 46

10. *That the conditional use permit be reviewed upon complaint.*

Engineering:

1. *That all geotechnical calculations be consistent with the requirements of the City Engineer.*
2. *That the developer follow the recommendations of the City Engineer with regard to all retaining walls and ground disturbance.*
3. *That the developer follows the grading plans as submitted and reviewed by the City Engineer.*
4. *That any changes to the grading plan be reviewed by the City Engineer.*
5. *That the developer complies with all other necessary requirements of the City Engineer.*

Fire Department:

1. *The installation of three (3) fire hydrants. Water systems must be installed and functioning prior to arrival of combustible construction elements on site.*
2. *That the fire hydrant installed has a three-foot clear area around it in which no other obstruction is placed.*
3. *All building and fire code requirements must be followed.*
4. *That the developer complies with all other necessary requirements of the City's Fire Official.*

Commissioner Nicholl seconded the motion. Vote on motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Nay, Gordon Nicholl-Aye, Sue Ryser-Aye. The motion passed.

4. Public Hearing – Amendment to Golden Hills #16 Subdivision Plat.

(21:19:05) Mr. Symes reported that the above item was a request for a plat amendment. In order for the applicant to develop a subdivision, a plat amendment was needed. Staff believed the proposed subdivision met all of the requirements and recommended approval of the plat amendment.

Chair Bowen opened the public hearing. There were no public comments.

Staff confirmed that no public comments had been received.

1 (21:20:05) *Commissioner Haymore moved to approve the amendment to Golden Hills #16*
2 *subdivision plat. Commissioner Armstrong seconded the motion.*

3
4 Commissioner Haymore stated that the plat proposed less density than allowed by the current
5 zoning in the area. For that reason he heartily supported it.

6
7 *Vote on motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Doug*
8 *Haymore-Aye, Jim Keane-Aye, Gordon Nicholl-Aye, Sue Ryser-Aye. The motion passed.*

9
10 **5. Approval of Minutes – September 5, 2007.**

11
12 (21:37:15) *Commissioner Haymore moved to approve the minutes of September 5, 2007.*
13 *Commissioner Armstrong seconded the motion. Vote on motion: JoAnn Frost-Aye, J.*
14 *Thomas Bowen-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, Gordon*
15 *Nicholl-Aye, Sue Ryser-Aye. The motion passed.*

16
17 **6. Planning Director's Report.**

18
19 (21:37:48) It was reported that the Commission would meet only once in November and
20 December.

21
22 **7. Adjournment.**

23
24 *Commissioner Frost moved to adjourn. Commissioner Keane seconded the motion. Vote on*
25 *motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Doug Haymore-*
26 *Aye, Jim Keane-Aye, Gordon Nicholl-Aye, Sue Ryser-Aye. The motion passed.*

27
28 The Planning Commission Meeting adjourned at 9:38 p.m.



Item 5: Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications

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Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications

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Making Effective Comments Regarding Planning Applications

Many citizens of Cottonwood Heights (the “City”) have asked how they can most effectively comment on, oppose or support a planning application. If you are interested in making a public comment, you may find the following information helpful in guiding you through the process; however, please note that although this information is meant to be helpful it may not be taken as a full interpretation of the law.

Please remember that all comments submitted to the City regarding any planning application are open for full view by the public or the applicant.

Why make public comments?

Our participation in government as citizens of a community, state or federal government is, in theory, the cornerstone of our democratic society.¹ The City strives to make the democratic process a true part of the foundation of our local government by including and even encouraging public comment on items of neighborhood or regional significance. Participating in the public process is, by all respects, your right and responsibility as a citizen of a democratic society. City staff is here to support and encourage you to be a part of the process.

Key points to making the most effective comments

Understand how decisions are made in Cottonwood Heights, Utah.

According to the UTAH STATE CODE Ann.,² every City must appoint a “land use authority.” In Cottonwood Heights, the City Council has appointed the planning commission – a commission of members of the citizenry with expertise in land use, or with an interest in land use – as the land use authority. The planning commission will hear and make decisions on most conditional uses and will make recommendations to the City Council on legislative matters such as zone changes and general plan amendments. Permitted uses and some conditional uses are heard and decided by an administrator of the City.

The City’s role in a land use application is to be on neither one side nor the other regarding an issue, but rather to be impartial and even keeled limiting personal opinions and basing decisions on established codes and laws, as well as applicable land use plans and other specific area master plans.

Planning applications involve balancing many different considerations and City planning staff must take into account the many laws and ordinances that govern the process of reviewing an application. City planning staff primarily uses the following ordinances and laws to review projects in Cottonwood Heights:

- A. UTAH STATE CODE Ann.– §10-9a – Municipal Land Use, Development, and Management Act, or “LUDMA”
- B. Cottonwood Heights Municipal Code – Title 19 – Zoning
- C. Case Law as established by courts of law in private suits between parties.

In addition to the above mentioned laws, the City must also follow other pertinent ordinances and guidelines such as the County Health Code and the general plan of the City. The following information touches on three aspects of plan review that planning staff must refer to when reviewing planning applications:

UTAH STATE CODE Ann. – §10-9a – LUDMA

With regard to conditional use applications, the City is charged by §10-9a-507 of the UTAH STATE CODE Ann. to approve the conditional use *“if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use.”* Once the City lists a use as conditional in a zoning ordinance, it has been determined that the use is appropriate if certain conditions can be met. In reviewing the application, staff will discover a variety of possible detrimental effects; some of these will be resolved through City code, yet others will require conditions for mitigation.

To deny a conditional use, the City must find on the record that *“[t]he reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions.”*³ It is important to note that the UTAH STATE CODE does not state that a detrimental effect must be eradicated by conditions, only that they must be *“substantially mitigated.”*⁴

Certain unexpressed requirements. According to UTAH STATE CODE Ann., the City is prevented from “tacking” on additional requirements or conditions that are not clearly *“in the land use permit or in documents on which the land use permit is based; or in [chapter 10-9a of the UTAH STATE CODE Ann.] or the municipality's ordinances.”*⁵ In addition, any conditions imposed by the City must bear a reasonable relationship to the subject project.

Cottonwood Heights Municipal Code

Title 19 of the Cottonwood Heights Municipal Code is the “zoning” portion of City ordinance. Title 19 contains all zoning chapters and other information that pertains to land uses and regulations upon land and the use of land. While title 19 holds most of the regulations regarding permitted and conditional uses, other chapters contain information used to review planning applications. Chapters 9 (*Health and Safety*) and 12 (*Subdivisions*) contain various requirements for most PUDs, standard subdivisions and commercial developments.

Case Law

Case law or “common law” is described as “after the fact” adjudications determined in cases where a dispute arose between individuals, large groups or the public in general who possessed or asserted conflicting rights with another party.⁶ Of these cases, the most pertinent for cities are those dealing with a conflict between a city and citizens or an applicant for a land use decision. The following outlines three different application types at the city level (conditional uses, legislative decisions and permitted uses):

Conditional Uses. These types of permits range from a home based day care to a regional commercial or office complex.⁷ Case law on the subject is specific and states that “public clamor” may not be the basis for approval or denial of a conditional use application. Public clamor is emotional local opinion not supported by relevant facts. A “vote” of the neighborhood or a petition from citizens cannot be considered. Rather, citizens are required to present credible evidence to support their position. This may require, in some instances, hiring an expert (engineer, architect, geologist, realtor, etc.) who has particular expertise in the area of concern to assist in your position. In conditional use decisions, the

“substantial evidence” test has traditionally been applied. Substantial evidence is defined as “that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.”⁸ Thus, to overturn the approval or denial of a conditional use decision, there must be substantial evidence in the record that is contrary to the decision.

Legislative decisions. The City Council is the legislative body of the city. They make decisions on matters that require amendments to zoning maps and the general plan map. In addition, the City Council approves the municipal budget and other items which require an ordinance or resolution for approval. The planning commission and City Council have more discretion in approving or denying legislative requests so long as the decision is reasonably debatable to be upheld in a court of law. Case law regarding legislative decisions states that “*concerns aired by property owners at public meetings... may not be the sole basis for granting or denying a given [land use] permit[;...however,] these sentiments may be weighed in a zoning decision.*”⁹

Permitted Uses. These types of uses are also described as “by right” uses and are allowed “by right” when authorized in established zoning districts provided the use is consistent with all the requirements applicable to that district. Permitted uses usually do not go before the planning commission, they are usually approved on a staff level. This is a delegation of authority authorized by STATE CODE and the municipal code.¹⁰

Understand the application.

To understand an application, it is important that you do the following:

- A. Study the development plans and understand what they say.
- B. Make an appointment to speak to the project planner
- C. Consider contacting the applicant for more information
- D. Check from time to time for revised plans

The following information is provided to help you with your efforts regarding the listed points to understanding the application:

Study the development plans and understand what they say.

- A. As mentioned above, the City is required to follow the applicable State and local ordinances which apply to the application. The City and State adopt these laws and ordinances to govern how development occurs and to prevent arbitrary actions on the part of the applicant and the City.
- B. Development plans must be in accordance with these laws and ordinances, and, if they are not, the City will use the development plans as a starting point and will provide letters to the applicant outlining what changes need to be made.
- C. When making points that deal with non-compliance of City or State code, it is helpful to quote relevant parts of the code and relate them to specific points in the development plan.

Check with the project planner to see if the development plan is being reviewed.

While the project planner is reviewing the development plan, they will often identify issues that you may or may not have noticed in your review. Understanding where the planner stands in the review process will prevent redundancy in reporting issues. Also, understanding

the points the project planner is advocating will you to understand where best to direct your efforts.

Consider contacting the applicant for more information.

The public is always welcome to inquire with the City for the contact information of an applicant. In some cases, the applicant will ask that their contact information be protected and not released. These are rare occasions as the City encourages every applicant to engage the public in the planning process to help them to understand the plans. An inquiry for a developer's contact information should be directed to the project planner.

Check from time to time for revised plans.

In most applications, there will be at least three iterations of a plan before the land use authority can make a decision on the application. Checking back from time to time will be helpful as many of the concerns you may have with a plan and its compliance with code will be covered by the project planner and manifest in revised plans.

Find out what others think

There are various entities that review projects for and with the City. The planning department is only one of these; others include engineering, fire, traffic, water, sewer and other public utilities. The advice received by these entities will be disseminated by the project planner and presented to the planning commission in the form of a technical staff report. If you disagree with the technical advice in the staff report, it is likely that you will need to provide your own technical evidence to back up your objections.

Set out the reasons for your comments and help others to understand your position.

Writing letters is a very effective method for reaching out to the planning commission. Next to letters, public comment at a public hearing is best; however, together these two modes of communication can make your comments the most effective. Both methods are accepted as public input; however, writing your points on paper usually offers a more thoughtful response but lacks the personal contact between the public and boards/commissions. Offering your opinion is very important because of the personal contact, but due to nerves, which is regrettable, some people will not approach the microphone and others will approach only to not clearly state their very important points or even run out of time and therefore not thoroughly air their issues. So, combining the two methods can make ones comments much more effective.

If you are writing a letter to explain your position, the following will be helpful:

- A. It is important that your letter or email states very clearly what points or objections you wish to make about an application. You can offer reasons for support of an application as well.
- B. If you wish to object to a proposal, you should set out the reasons for your objection with reference to technical information that backs up your objection. The most effective comments/objections are those that clearly demonstrate what reasonably anticipated detrimental effects will be caused by the proposed conditional use.

- C. Stick to the issues at hand, wavering from the issues to bring up ‘emotional’ or unsubstantiated information will only undermine your case and take attention away from your valid comments.
- D. If a reasonable detrimental effect as a result of the project can be identified, set out any conditions that you feel may mitigate the effect. The City must attempt to “propose or impose” conditions upon the use to mitigate any valid detrimental effect; simply denying the application due to possible detrimental effects does not comply with §10-9a-507 of the UTAH STATE CODE Ann. Conditions must be part of the motion for approval to be legally binding upon the applicant.

Stick to the limits of the public input portion of the application.

- A. It is very important to observe the specified time period for receipt of comments and objections. You must respond by the date advertised.

Getting support for your position through collaboration.

- A. If there is widespread support or objection to a development application, it is better that individual letters be submitted rather than a petition. This suggests that people understand the issues.
- B. Contact your Council District representative to let them know what you think.
- C. Attend a Planning Commission meeting to express your concerns or to voice support of the development plan.
- D. To ensure that your comments carry the weight that you feel they deserve it is important to make material comments that are clear, concise and accurate.

Irrelevant reasons for objection to a planning application.

There are certain matters which do not amount to material planning considerations. Citizens will often oppose a land use application only because of a fear of change. As a matter of fact, change is inherent in all planning applications, and change alone is not grounds for denying a planning application. City staff and our boards/commissions hear many arguments during the course of an application, and they may be formed with opinions on both sides of the issue; however, any comments that lack substance or are irrelevant.

Making arguments for denial or promoting conditions of approval that are unfair, biased or are not supported by any technical information will weaken your case.

Some matters that cannot be taken into account are listed below:

- A. The identity of the applicant.
- B. The claim of unfair competition.
- C. Breach of private property agreements and/or covenants.
- D. Loss of private view.
- E. Devaluation of property without technical information to back such a claim.
- F. Other financial matters.
- G. Matters controlled by International Building Code (IBC), for instance fire control or internal space standards.
- H. Religious issues.
- I. The fact that the applicant is not a “local” resident – and the implication that he does not care for the best interest of the City or neighborhood.

- J. The developer's motives, record or reputation.
- K. The price paid for the property.

If you are not happy with the decision of the City.

According to section 19.84.100 of the Cottonwood Heights Municipal Code, “[a]ny person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision.”

In Cottonwood Heights, the appeal authority is the Board of Adjustment (the “BOA”). The BOA hears and decides “*appeals from decisions applying the land use ordinances.*”¹¹ The BOA reviews appeals based on the record to determine whether a planning commission decision is supported by “*substantial evidence*”¹² in the record and therefore not so unreasonable as to be arbitrary or capricious.

Appeals must be filed within 30 days of the date of decision being appealed. Any person aggrieved by a decision of the BOA may petition the District Court for review of the decision.¹³

¹ Arnstein, Sherry R. 1969. A Ladder of Citizen Participation. *Journal of the American Planning Association* 35(4):416-224.

² UTAH STATE CODE Ann. states that a city's legislative body may appoint a land use authority to make decision on planning applications. This person or commission may also make recommendations to the legislative body on legislative matters. §10-9a-103(15) states that a "[land] use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application."

³ UTAH STATE CODE Ann. §10-9a-507(2)(b)

⁴ "Substantially mitigated" means that real actions are taken, or proposed to be taken, that will lessen the reasonably anticipated detrimental effect of the proposed land use application. The State does not charge cities to completely eradicate detrimental effects; only that applicants and cities take real steps towards lessening the reasonably anticipated detrimental effects of a land use application.

⁵ UTAH STATE CODE Ann. §10-9a-509(1)(a)(ii) states that an application *shall* be approved unless a "compelling countervailing public interest would be jeopardized" by granting approval of an application. This section makes a redundant point and is presumably meant to clear away any attempts by Cities to add unreasonable conditions to applications for various reasons. The STATE CODE does not identify what qualifies as a "compelling countervailing public interest;" however, on one occasion a State official cited that it would be equal to finding that an Indian burial ground would be destroyed by approving an application. It is more clear what does not apply to §10-9a-509(1)(a)(ii) than what does.

⁶ "Land Use: Case and Materials, Sixth Edition"

⁷ UTAH STATE CODE Ann. §10-9a103(6) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

⁸ Bradley v. Payson City Corp. 2003 UT 16

⁹ Davis County v. Clearfield City, 756 P.2d 704, 711-712 (Utah Ct.App. 1988). "[P]ublic clamor is not an adequate legal basis for the city's decision. [Clearfield City] acted arbitrarily and capriciously in denying the conditional use permit for reasons which either had no factual basis or were not legally sufficient."

¹⁰ UTAH STATE CODE Ann. §10-9a103(15) states that the land use authority in some cases can be a "person." The "person" in this case would be staff.

¹¹ The BOA is organized pursuant to section §10-9a-701 of the UTAH STATE CODE Ann.

¹² "Substantial evidence is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion." Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 604 n.6 (Utah Ct. App. 1995)

¹³ Cottonwood Heights Municipal Code. §19.92.080(C); §19.92.080(D)



Item 6 Approval of Minutes

December 05, 2007

Staff Contact:

Sherry McConkey – Planning Coordinator

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Fax: 545-4150

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1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, December 5, 2007**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 250**
8 **Cottonwood Heights, Utah**
9

10
11 ***ATTENDANCE***

12
13 **Planning Commission Members:**

14
15 J. Thomas Bowen, Chairman
16 Geoff Armstrong
17 JoAnn Frost
18 Doug Haymore
19 Jerri Harwell
20 Jim Keane
21 Gordon Nicholl
22 Amy Rosevear
23 Sue Ryser
24

13 **City Staff:**

14 Michael Black, Planning Director
15 Glenn Symes, Associate Planner
16 Shane Topham, City Attorney
17

18
19
20
21
22
23
24
25 **REGULAR MEETING**

26
27 Chairman J. Thomas Bowen called the meeting to order at 7:03 p.m. Procedural issues were
28 reviewed.
29

30 **1. Public Comment.**

31
32 There were no public comments.
33

34 **2. Continued Action Item – Conditional Use – Wasatch Office.**

35
36 (19:05:05) Planning Director, Michael Black, reported that staff received the final remaining
37 report on the project the previous afternoon. Since that time the City's Geologist had not had
38 time to review the report. Mr. Black asked that the matter be postponed and a special meeting
39 scheduled in one week to discuss the item and make a decision. That would give staff plenty of
40 time to review the report and make a recommendation to the Commission.
41

42 ***Commissioner Haymore more moved to continue the matter until the next regularly scheduled***
43 ***meeting of the Planning Commission, scheduled for January 9, 2008. Commissioner***
44 ***_____ seconded the motion.***
45

1 Commissioner Haymore felt the matter should be put on the schedule published for the Planning
2 Commission and that decisions not be postponed or special meetings scheduled. Meetings were
3 scheduled one year in advance and applicants had the responsibility to deal with that schedule.
4 In this instance, he thought every party had acted in good faith to try to move forward in a timely
5 manner, however, because the geology report was received less than 48 hours ago, it would not
6 be appropriate to schedule a special meeting for one item given those circumstances.

7
8 Commissioner Frost recognized it was a sensitive issue and new information was received.
9 Before making a decision, she thought the Commission had an obligation to properly review the
10 information.

11
12 Commissioner Frost was part of the community being discussed and believed the Commission
13 Members needed time to study the information to make the very best decision possible.

14
15 ***Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Gordon Nicholl-Aye, Doug***
16 ***Haymore-Aye, Sue Ryser-Aye, Jim Keane-Aye, JoAnn Frost-Aye. The motion passed***
17 ***unanimously.***

18
19 Chair Bowen reported that the item would be scheduled for a decision only at the next meeting.

20
21 (19:09:30) Mr. Black stated that a lot of public input was received. He hoped the geology and
22 traffic reports could be reviewed concurrently by the public. Chair Bowen stated that any
23 comments would have to be received sufficiently in advance to allow staff to adequately process
24 them and distribute them to the Planning Commission in advance of the next meeting. Mr. Black
25 suggested a cut off date be set for December 31, 2007.

26
27 **3. Continued Public Hearing – General Plan Amendment – Majestic Manor.**
28

29 (19:12:45) Associate Planner, Glenn Symes, presented the staff report and stated that the matter
30 was continued from the November 7 Planning Commission Meeting. At that meeting staff
31 presented their recommendation and findings and observations from the staff report. Since that
32 time, Mr. Symes wrote an addendum reviewing the issues discussed in the work session. Staff's
33 recommendation remained unchanged and was a recommendation of denial.

34
35 Chair Bowen recalled that at the last meeting it was discovered that the matter had been noticed
36 incorrectly. The notice had since been corrected.

37
38 The applicant's representative, Mr. Hirschi, mentioned some misconceptions that came out in the
39 addendum to the staff report and identified rumors that had been circulating throughout the
40 neighborhood. One misconception he thought the Commission should take note of was the
41 discussion by staff concerning the transition zone from ultra low-density to commercial. The
42 properties to the east and south of the Majestic Manor property were large residential homes on
43 relatively small lots. They were in fact, smaller than the typical lots in the rural residential zone.
44 He stated that the RO zone fit very nicely in the Majestic Manor property. Although there were
45 some residences to the north of the site, there were also nearby businesses. There were rumors
46 that the applicant, Lynn Nielsen, intended to build a gas station in front of the building.

1 Mr. Hirschi stressed that that was untrue and there was no intent to do any sort of commercial
2 enterprise in the area.

3
4 As pointed out previously, Mr. Hirschi stated that one of the advantages to the change to the
5 General Plan would be to allow the process to continue. The City had adopted a step-by-step
6 approach to land use planning. It required applicants to apply one step at a time. By taking the
7 project one step at a time, the Commission and staff would have the opportunity to meet with
8 Ms. Nielsen to negotiate and facilitate a reasonable development plan and conditions for the use.
9 Already in the ordinances the City had included provisions to address certain concerns.

10
11 Mr. Hirschi stated that if Ms. Nielsen cannot proceed and develop her property in the way she
12 intended, she would be left to develop her property in some manner that is already either a
13 permitted or conditional use in the rural residential zone. He was unsure whether the neighbors
14 understood that. The permitted uses included various home occupations, a day care, preschool,
15 agricultural farm, and farm animals. Conditional uses included bed and breakfasts, preschools,
16 residential facilities for elderly persons, nursing homes, private educational institutions, and
17 residential health care facilities. He believed a reception center with beautiful landscaping and
18 an opportunity for use as a community center would be somewhat more adaptable to the
19 neighborhood than some of the other uses.

20
21 (19:21:50) Chair Bowen asked Mr. Hirschi how he intended to address the side yard
22 requirements. Mr. Hirschi responded that that was something they were happy to deal with
23 going forward. One way would be to recommend conditions that would alleviate the need for
24 the buffer zone. There were also possibilities for reconstructing one side of the home that would
25 move the home back. Chair Bowen asked why that had not been done already. Mr. Hirschi
26 responded that unless there was some indication by the Commission that they were willing to
27 change the General Plan to an RO, his client could not proceed with the amount of engineering
28 and work necessary. The Commission was asked to look at the reasoning behind the change to
29 the General Plan, not the reasoning behind either granting or not granting a variance or zone
30 change. It was clarified that the parcel was 1.09 acres in size.

31
32 Chair Bowen opened the public hearing.

33
34 (19:24:27) Ken McGregor identified himself as the present owner of 7941 Sample Cove located
35 on the eastbound adjacent side of the property in question. He addressed issues pertaining to the
36 RO zoning that address creating safe, attractive neighborhoods, protecting quality of life, and
37 minimizing conflicts between adjacent land uses. He stated that the structure on the site violates
38 the minimum setbacks on the proposed zoning change. The building sat uncomfortably close to
39 the homes adjacent to it and the functions proposed for the site would be detrimental to the
40 residential properties as far as noise, lighting, etc.

41
42 Photos were taken of the site showing the setback between the existing structure and the
43 neighboring properties. It was mentioned earlier that the home was inconsistent with the
44 surrounding homes. Mr. McGregor showed a photo of the home and stated that county records
45 showed that the home was over 13,000 square feet in size on the one-acre parcel. The other
46 homes in the neighborhood ranged in size from 3,500 to 5,000 square feet. He also noted that he

1 and his neighbors lived on a private drive and there was virtually no setback between their
2 property and the property to the west.

3
4 Mr. McGregor questioned the height of the structure and thought it exceeded 35 feet. A photo of
5 the adjacent properties to the south was shown where the adjoining properties would be looking
6 into the second story window of the structure. He stated that the proposal would be an impact to
7 the residential neighborhood. A photo was shown giving a very good perspective of the impact
8 the proposal would have. To have commercial so close to the surrounding residential homes, he
9 believed would devalue their properties.

10
11 (19:30:15) Chair Bowen pointed out that Mr. Hirschi listed the uses that the applicant could
12 develop now that were commercial in nature. Mr. McGregor understood that but was speaking
13 specifically to the change to the RO zone.

14
15 Darren Berry gave his address as 2074 Sample Cove. He first identified the impact of the
16 proposal on property values. He spoke with a principal broker who informed him that a
17 reception center could drop nearby property values by 20%. He also studied survival rates of
18 new businesses. A study from the US Small Business Administration concluded that there was a
19 50% chance that the new business will not be there after four years. That was of concern to him
20 as a neighbor if there is a change to the master plan. Another report was done by the US Bureau
21 of Labor Statistics who broke it down by sector. They looked at hospitality and leisure and the
22 study showed that the business had a 44% chance of surviving beyond a four-year period. There
23 was no guarantee that what was proposed would be there long term. Chair Bowen pointed out
24 that the Commission was not in the business of speculating as to whether a business would be
25 successful or whether it makes economic sense. The issue they were to deal with had to do with
26 land use. Mr. Berry stated that from his perspective as a nearby homeowner, it was of concern to
27 him. He wanted to ensure that his property value does not diminish as a result of changes.

28
29 (19:32:50) Stacey Mayberry gave her address as 7958 South Meyer Vista Cove. She clarified
30 that Ms. Nielsen was not a victim of the current zoning and did not own the home prior to the
31 zone being changed. Ms. Nielsen knew what the zoning was when she purchased the home and
32 Mrs. Mayberry in fact told her the property was zoned rural residential and suggested she meet
33 with the neighbors and discuss her plans before finalizing the purchase. Mrs. Mayberry knew
34 there would be problems. Ms. Nielsen failed to take Mrs. Mayberry's advice and proceeded
35 ahead. Mrs. Mayberry recalled Mr. Hirschi commenting that her home would be the least
36 impacted if the zone change were to take place. She strongly disagreed and stated that her
37 backyard would be looking at the parking lot and the driveway up to the portico. Impacts would
38 be increased noise to the subdivision and increased lighting from cars and the parking lot.

39
40 Mrs. Mayberry stated that her brother-in-law lived near a reception center previously for a short
41 time and characterized it as miserable. He constantly had garbage, bottles, and cigarette butts
42 thrown onto his property. Mrs. Mayberry stated that parking lots were unsightly and it had been
43 proven that in residential areas, they have negative effects on the character and property values
44 of the neighborhood. Runoff issues were also of concern. She believed the proposed structure
45 also exceeded the 50% limit on lot coverage. She did not see how it would be possible for the
46 applicant to then install a parking lot on the site. Mrs. Mayberry stated that from her fence line

1 to the concrete driveway was at most 2 ½ to 3 feet. The zone required there be an 8-foot barrier
2 for landscaping. There was no way the applicants would be able to put in an 8-foot barrier since
3 there was at most 3 feet. Without being able to go onto the Nielsen's property to measure, she
4 estimated that from her property line to the Nielsen's portico was possibly 8 feet and as close as
5 10 feet to the actual home. She thought the setbacks were far too close based particularly on the
6 height of the building. Mrs. Mayberry believed the proposed project was too close to a
7 residential area.

8
9 (19:38:50) Gordon LeFleur was present representing four other families who reside in his same
10 subdivision. He prepared a video on the parking situation on Highland Drive that would be
11 exacerbated if the property were granted RO status and the applicant allowed to move forward
12 with her project. The video focused on parking issues. It was noted that there were already two
13 reception centers at or near the intersection of Highland Drive and Creek Road. Neither had
14 sufficient parking. Mr. LeFleur was concerned that granting the applicant RO status would only
15 exacerbate the number of cars parking on Highland Drive since overflow parking would need to
16 be utilized. He urged rejection of the proposed zoning change.

17
18 There were no further public comments. The public hearing was closed.

19
20 (19:44:54) Chair Bowen thought the delay had improved the presentation on behalf of the
21 neighbors. He had always informed the public that if there was an issue they felt strongly about,
22 they should come with substantive information. He thought the public had done a good job of
23 making a meaningful presentation to the Commission that showed that a great deal of thought
24 had gone into it.

25
26 Commissioner Armstrong referred to the staff report that stated that four houses would be greatly
27 impacted by the proposed reception center. He had visited the property and there were a number
28 of houses that would also be impacted.

29
30 Commissioner Nicholl was concerned with buffering issues whenever commercial is considered
31 nearby residential. He asked what kind of buffer was appropriate between the commercial and
32 residential areas. He had looked at the property extensively and thought the Montessori school,
33 the residential lane, and the stream had created a buffer between the residential and commercial
34 property.

35
36 Commissioner Haymore stated that the question the Planning Commission was asked to consider
37 was whether to amend the General Plan. If he was trying to maintain the character of the
38 surrounding properties he thought it would be better to have four homes on the subject property
39 than any sort of commercial, including residential office. His tendency was to consider
40 eliminating the existing house and decide whether a residential office that meets all of the
41 setbacks would be a better use for the property. Regardless of what exists currently, he did not
42 think it was appropriate to change the General Plan.

43
44 (19:50:30) Commissioner Frost agreed that there was a sense of a natural buffer to the area and
45 she was not anxious to see the type of change requested. She thought the community could do
46 better than what was proposed. She saw no reason to disagree with the staff recommendation.

1
2 Commissioner Ryser realized the issue had been considered many times over the years. The
3 subject property concerned her in that she had a difficult time seeing how even if the master plan
4 was changed, it could work. There seemed to be too many problems and changes. She clarified
5 that it was an assumption that variances could be granted.
6

7 Chair Bowen commented that in the RO zone, the statute states that all businesses are to be
8 conducted wholly within the enclosed buildings. He saw that that may cause a problem for a
9 reception center. Side yard setbacks were 20 feet and rear yards were a minimum of 30 feet
10 unless the building is more than two stories. Then it would become 100% of the height of the
11 building. In an RO zone, structures shall not exceed a height of two stories or 35 feet, whichever
12 is less. He thought there was a question in that regard in relation to the present structure. The
13 minimum lot coverage requirement was 50%. In the RO zone, property that is more than one
14 acre has to have a master plan submitted and approved by the Planning Commission. Chair
15 Bowen did not think a variance was possible in this case because it would be limited to some
16 very narrow exceptions. He expected that any variance would need to be sought for 25 to 30 feet
17 on both sides, which was significant. He strongly doubted whether the Board of Adjustment
18 would be willing to grant a variance of that magnitude. He did not see the sense of amending the
19 master plan because they would be starting down a road that he did not believe would result in
20 anything productive. He had a difficult time with the master plan and pointed out that the master
21 plan was less than three years old. Typically, master plans have been in existence for a while
22 before considering a revision. This was the third time this property had been reviewed by the
23 Commission. The other two times the Commission determined not to amend the master plan.
24

25 (19:55:50) *Commissioner _____ moved to deny the application based on the staff*
26 *recommendation and testimony heard tonight. Commissioner Ryser seconded the motion.*
27 *Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Gordon Nicholl-Aye, Doug*
28 *Haymore-Aye, Sue Ryser-Aye, Jim Keane-Aye, JoAnn Frost-Aye. The motion passed*
29 *unanimously.*
30

31 Mr. Black pointed out that the matter would most likely be on one of the next two City Council
32 agendas, which would be posted on the City's website.
33

34 **4. Public Hearing – R-2-8 – Ordinance Amendment – 19.31.**

35

36 (19:56:40) Mr. Black reviewed the proposed changes to the document.
37

38 Chair Bowen opened the public hearing. There were no public comments. The public hearing
39 was closed.
40

41 (19:58:52) *Commissioner Ryser moved to recommend approval of the R-2-8 zone with the*
42 *changes discussed. Commissioner Armstrong seconded the motion. Vote on motion: J.*
43 *Thomas Bowen-Aye, Geoff Armstrong-Aye, Gordon Nicholl-Aye, Doug Haymore-Aye, Sue*
44 *Ryser-Aye, Jim Keane-Aye, JoAnn Frost-Aye. The motion passed unanimously.*
45

46 **5. Approval of Minutes – November 7, 2007, and November 14, 2007.**

1
2 (19:59:32) Commissioner Ryser moved to accept the meeting minutes of November 7, 2007,
3 and November 13, 2007, with the changes noted and submitted. Commissioner _____
4 seconded the motion. Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, Gordon
5 Nicholl-Aye, Doug Haymore-Aye, Sue Ryser-Aye, Jim Keane-Aye, JoAnn Frost-Aye. The
6 motion passed unanimously.
7

8 **6. Consideration of the 2008 Meeting Calendar.**
9

10 The meeting schedule was changed to allow for one meeting in November and one in December.
11 The meetings scheduled for November 19 and December 17 were removed. All other meetings
12 remained unchanged.
13

14 **7. Planning Director's Report.**
15

16 (20:01:09) Mr. Black stated that following the vote to continue the Wasatch Office matter,
17 Mr. Walker handed him a note for the City Attorney stating that pursuant to Utah Code a
18 reasonable time period has passed since a complete application was given to the City, they would
19 like to invoke their privilege to have a speedy decision within 45 days of receipt of the letter.
20 Chair Bowen stated that they would. Mr. Black informed the Commission that the letter was
21 received and was in the file. According to staff's figures, that would give the City until January
22 19 to provide a written decision.
23

24 City Attorney, Shane Topham, reported that the Commission needed to elect a Chairman and
25 Vice Chairman at the last meeting in January. The new officers would take office beginning
26 with the first regular meeting in February.
27

28 The issue of the election of a new Chair was discussed. It was suggested that the policies be
29 reviewed to determine whether to limit a Chair's term to two years rather than something more in
30 line with the term the party is serving. Mr. Topham stated that what was referred to was in the
31 code rather than the rules and procedures. In order to make a modification, the zoning ordinance
32 would have to be amended. Title 19 was referred to that dealt with the term limit for
33 membership and officers.
34

35 (20:10:32) Mr. Topham updated the Commission Members on the Staples matter. He reported
36 that the Stapleses filed an application for an advisory opinion with the Utah Real Property
37 Ombudsman on their two conditional use applications.
38

39 **8. Adjournment.**
40

41 The Planning Commission Meeting adjourned at 8:19 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, December 5, 2007.*

3
4
5
6
7 
8

9 Teri Forbes
10 T Forbes Group, Inc.
11 Minutes Secretary

12
13
14 Minutes approved:



Item 7 Action Item – Planning Commission Meeting Schedule

The Planning Commission will discuss and take action on the proposed meeting schedule for the 2008 year.

Staff Contact:

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COTTONWOOD HEIGHTS PLANNING COMMISSION MEETING SCHEDULE 2008

ALL MEETINGS TO BE HELD AT THE COTTONWOOD HEIGHTS CITY HALL, 1265 EAST FORT UNION BLVD, SUITE 250, UNLESS POSTED OTHERWISE

The following chart should be used as a guide when submitting applications to be heard before the Planning Commission. Please be aware that applications require review time and cannot be scheduled as an agenda item for any meeting until items concerning the application are complete. It is the applicant's responsibility to contact the City and inquire as to the status of the application and when it will be scheduled for a particular meeting. The City assumes no liability for a missed meeting. Cottonwood Heights, in compliance with the Americans with Disabilities Act, provides accommodations and services for all those citizens in need of assistance. Persons requesting these accommodations for City sponsored public meetings, services programs or events should call (801) 545-4154, giving at least 24 hours notice."

Applications can be filed as soon as they are complete and ready for submission. At that time the review process starts and the application will be reviewed at the next available meeting after all review items pertaining to the application are completed.

ZONE CHANGES, VARIANCES, APPEALS, PRELIMINARY PLATS, CONDITIONAL USE PERMITS, SITE PLAN REVIEWS, DESIGN REVIEWS and other business requiring Planning Commission review will be reviewed on the dates listed below.

PLANNING COMMISSION - Wednesday	
Work Session starts at 5:45 P.M. Regular meeting starts at 7:00 P.M.	
JANUARY 9, 2008 JANUARY 16, 2008 FEBRUARY 6, 2008 FEBRUARY 20, 2008 MARCH 5, 2008 MARCH 19, 2008 APRIL 2, 2008 APRIL 16, 2008 MAY 7, 2008 MAY 21, 2008 JUNE 4, 2008 JUNE 18, 2008	JULY 2, 2008 JULY 16, 2008 AUGUST 6, 2008 AUGUST 20, 2008 SEPTEMBER 3, 2008 SEPTEMBER 17, 2008 OCTOBER 1, 2008 OCTOBER 15, 2008 NOVEMBER 5, 2008 NOVEMBER 19, 2008** DECEMBER 3, 2008

** These meeting dates may be canceled at the discretion of the Planning Commission and/or City Council due to holidays, municipal elections, etc.



Item 8 Planning Director's Report

Staff Contact:

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Planning Director
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